

EPC COMMISSION MINUTES & AGENDA

MONTH December

YEAR 1993

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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

DECEMBER 20, 1993

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, December 20, 1993, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Gary Priebe
Nancylee Siebenmann, Secretary
Clark Yeager, Vice-Chairperson

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Terry Timmons, City of Des Moines 1:00 p.m.
- Add: Appointment - Mark Landa, Ampel Corporation 2:30 p.m.

Motion was made by Gary Priebe to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Rozanne King noted that on Page 2 of the minutes, reference was made to the Commissioners who attended the Governor's Environmental Congress and it should be corrected to show that she also attended the Congress. She related that she felt Chairperson Hartsuck did a very good job as a panelist.

Motion was made by Charlotte Mohr to approve the meeting minutes of November 15, 1993, as amended. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Director Wilson advised the Commission that the January EPC meeting will be on Tuesday, January 18, 1994 because the third Monday in January is Martin Luther King holiday. He related that the Legislative Reception will be held on Wednesday, January 19. Also, in February the Commission will be hearing the Leo Schachtner appeal and an ALJ or someone from the Attorney General's Office will be asked to attend the January EPC meeting to explain the format and what to expect in the hearing.

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL CONTRACTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the following contracts with Iowa State University Extension (ISUE) and the Division of Soil Conservation, Iowa Department of Agriculture and Land Stewardship (DSC). The contracts will be written for a one year period and will be funded using USEPA Section 319 nonpoint source pollution control funds awarded to DNR for these projects.

BMP Promotion in Northeast Iowa USDA Hydrologic Unit Area Projects, ISUE, \$43,502.

The contract will fund the second year (FY94) of a three year project to provide a part-time Communications Specialist for the ongoing Northeast Iowa Demonstration and Sny Magill Hydrologic Unit Area Projects. The duties of the specialist are to accelerate the voluntary adoption of crop and livestock BMPs that protect surface and groundwater resources through aggressive information marketing such as bi-monthly project newsletters, multi-media campaigns (newspapers, radio and television) and improved project information and education materials.

Cedar Rapids Area Construction Site Erosion Control Demonstration Project, DALs, \$18,400.

The contract will provide support for a project coordinator for the first year (FY94) of a three year project by the Linn County Soil and Water Conservation District. The project will demonstrate the technical and economic feasibility, as well as the effectiveness of, construction site erosion control practices to developers, general contractors, government officials, engineers and Realtors. Construction site BMPs that meet or exceed the minimum requirements for stormwater runoff protection required by the National Pollutant Discharge Elimination System (NPDES) permits will be installed on construction sites in Linn County and these sites will be used as project demonstrations. In addition, a model erosion control ordinance will be developed for consideration by local governments.

Mr. Kuhn briefly reviewed the projects and asked the Commission's approval of both contracts.

Motion was made by William Ehm to approve the Section 319 Nonpoint Source Pollution Contracts with ISU Extension and DALs as presented. Seconded by Nancylee Siebenmann. Motion carried unanimously.

APPROVED AS PRESENTED

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The YTD division level financial status report, as of November 30, 1993 will be provided to commissioners, separately, when available. The staff will summarize the DNR's current financial status at the meeting and attempt to provide additional, related information as requested.

IOWA DEPARTMENT OF NATURAL RESOURCES Inter-Departmental Memo

Date: December 13, 1993

FM: Stan Kuhn, ASD Division Administrator

TO: Larry J. Wilson

SUBJECT: Attached YTD Division Financial Status Report

Attached is the YTD division level financial status report as of November 30, 1993 for review and distribution to the EPC and NRC.

Actual expenditures are based on cash outlay as of November 30, 1993. Obligations for equipment, and other purchase orders are shown in notes.

The YTD budget amount is based on the following estimates:

Salaries, Permanent Staff, 42.3% of payrolls paid.

Salaries, Seasonal Staff, Estimate 65% of budget.

State Vehicles and Vehicle Depreciation, 41.7% of payments completed.

Professional Services, Facility Maintenance and Equipment,

assume 25% of budget should be expended to date.

All other categories assume a 1 month lag in payments, 33% expended to date.

Divisions generally appear to be within acceptable limits regarding expenditures with the exception of Parks, Preserves and Recreation.

The Professional Services category in both E&G and EPD appears as significantly under budget. Energy funds related to the Institutional Conservation Program and the OOC program have not been obligated. Payments are currently being processed relating to the USGS Cooperative program. Authorized Section 319 funds in EPD are budgeted to the extent available, but much of that has not yet been contracted.

December 1

IOWA DEPARTMENT OF NATURAL RESOURCES
Division Expenditure Status Report, Nov. 30, 1993

minutes

Director's Office

EXPENSE	FY94 BUDGET	YTD BUDGET Nov. 30, 1993	YTD ACTUAL Nov. 30, 1993	UNDER(OVER) BUDGET
PERS SERV	993,316	420,173	400,790	19,383
PERS TRV IN	52,150	17,210	11,555	5,655
STATE VEHICL	8,431	3,516	1,829	1,687
DEPRECIATION	12,450	5,192	3,215	1,977
PERS TRV OUT	8,900	2,937	2,150	787
OFF SUPPLY	89,050	29,387	36,445	(7,059)
FAC MAINT SU	3,000	990	653	337
EQUIP MAINT	6,850	2,261	2,281	(21)
OTHER SUPPLY	57,150	18,860	19,607	(748)
PRINT & BIND	312,431	103,102	122,174	(19,072)
UNIFORMS	800	264	202	62
COMMUNICATIO	29,100	9,603	6,636	2,967
RENTALS	500	165	138	27
UTILITIES	750	248	47	201
PROF SERV	110,216	27,554	21,681	5,873
OUTSIDE SERV	24,100	7,953	9,482	(1,529)
ADVER PUB	10,000	3,200	0	3,300
DATA PROC	14,050	4,637	2,230	2,407
REIMBURSMENT	6,175	2,038	152	1,886
EQUIPMENT	33,817	8,454	9,268	(814)
OTHER EXP	2,600	858	0	858
Totals	1,775,836	668,698	650,535	18,163

Note: An additional \$ 71,369 contractual obligated, primarily for printing.

Administrative Services Divison

EXPENSE	FY94 BUDGET	YTD BUDGET Nov. 30, 1993	YTD ACTUAL Nov. 30, 1993	UNDER(OVER) BUDGET
PERS SERV	3,669,678	1,552,274	1,536,963	15,311
PERS TRV IN	53,550	17,572	15,684	1,888
STATE VEHICL	59,000	24,603	20,428	4,175
DEPRECIATION	80,500	33,569	27,760	5,809
PERS TRV OUT	7,300	2,409	4,570	(2,161)
OFF SUPPLY	315,255	104,034	107,999	(3,965)
FAC MAINT SU	21,000	6,930	0	6,930
EQUIP MAINT	52,000	17,160	16,841	319
OTHER SUPPLY	14,300	4,719	4,021	698
PRINT & BIND	14,500	4,785	4,906	(121)
UNIFORMS	2,500	825	1,249	(424)
COMMUNICATIO	93,100	30,723	30,209	514
RENTALS	500	165	0	165
UTILITIES	0	0	243	(243)
OUTSIDE SERV	78,650	25,955	5,444	20,511
ADVER PUB	500	165	0	165
DATA PROC	91,700	30,261	79,819	(49,558)
AUDITOR REIM	150,000	49,500	41,042	8,458
REIMBURSMENT	118,150	38,990	986	38,004
EQUIPMENT	189,508	47,377	21,851	25,526
OTHER EXP	550,000	232,692	0	232,692
LICENSES	50	0	0	0
Totals	5,561,741	2,224,806	1,920,015	304,791

Note: Overage in Data Processing results from a lag in distribution ISD central service charges to programs.
\$232,692 estimated as due for central government indirect cost.

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Environmental Protection Commission Minutes

December 1993

Parks, Preserves, and Recreation Division

EXPENSE	FY94 BUDGET	YTD BUDGET Nov. 30, 1993	YTD ACTUAL Nov. 30, 1993	UNDER(OVER) BUDGET
PERS SERV	4,452,081	1,883,230	1,818,838	64,392
SEASONAL HELP	1,175,473	784,057	821,077	(57,020)
PERS TRV IN	61,775	20,366	30,595	(10,209)
STATE VEHICL	202,800	84,568	100,901	(16,333)
DEPRECIATION	294,000	122,598	127,605	(5,007)
PERS TRV OUT	7,685	2,536	2,252	284
OFF SUPPLY	46,700	15,411	10,615	4,796
FAC MAINT SU	454,800	113,700	179,906	(66,206)
EQUIP MAINT	299,999	99,000	138,023	(39,023)
PROF SUPPLY	1,000	330	0	330
AG CONS SUPP	30,000	9,900	12,656	(2,756)
OTHER SUPPLY	42,994	14,188	10,665	3,523
PRINT & BIND	33,000	10,890	8,864	2,026
UNIFORMS	46,277	15,271	6,815	8,456
COMMUNICATIO	105,502	34,816	35,796	(980)
RENTALS	34,900	11,517	19,999	(8,482)
UTILITIES	390,951	129,014	172,225	(43,211)
PROF SERV	74,000	24,420	11,254	13,156
OUTSIDE SERV	185,352	61,166	55,335	(34,169)
ADVER PUB	2,550	842	66	776
DATA PROC	6,000	1,980	1,338	842
REIMBURSEMENT	2,475	817	909	(92)
EQUIPMENT	152,378	38,095	67,991	(29,897)
OTHER EXP	4,700	1,551	22	1,529
LICENSES	697	230	432	(202)
Totals	8,108,089	3,460,512	3,674,189	(213,677)

Note: Budget overages are primarily a result of normal seasonal variation in expenditures and larger than normal maintenance due to flood cleanup. An additional \$ 165,719 obligated for purchase of equipment and facility maintenance.

Forests and Forestry Division

EXPENSE	FY94 BUDGET	YTD BUDGET Nov. 30, 1993	YTD ACTUAL Nov. 30, 1993	UNDER(OVER) BUDGET
PERS SERVICES	1,732,551	732,869	716,506	16,361
SEASONAL HELP	105,826	68,787	41,339	27,448
PERS TRV IN	44,500	14,685	14,184	501
STATE VEHICL	92,500	38,573	29,008	9,565
DEPRECIATION	139,700	58,255	55,095	3,160
PERS TRV OUT	8,800	2,904	2,233	671
OFF SUPPLY	20,300	6,699	8,305	(1,606)
FAC MAINT SU	44,000	14,520	21,699	(7,179)
EQUIP MAINT	57,000	18,810	14,507	4,303
PROF SUPPLY	500	165	0	165
AG CONS SUPP	129,000	42,570	91,175	(48,605)
OTHER SUPPLY	39,900	13,167	12,051	1,116
PRINT & BIND	15,500	5,115	3,989	1,126
UNIFORMS	16,100	5,313	2,385	2,928
COMMUNICATIO	43,669	14,411	11,516	2,895
RENTALS	35,000	11,550	5,091	6,459
UTILITIES	37,000	12,210	6,623	5,587
OUTSIDE SERV	77,000	25,410	8,935	16,475
ADVER PUB	1,000	330	346	(16)
DATA PROC	3,300	1,099	644	445
REIMBURSEMENT	550	182	50	132
EQUIPMENT	140,922	35,206	16,957	18,249
Totals	2,784,518	1,122,818	1,062,640	60,178

Note: Budget overage in "AG CONS SUPP" is primarily related to tree seed purchases in the fall and is normal. An additional \$ 77,809 obligated for equipment and facility maintenance purchases.

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Energy and Geological Resources Division

EXPENSE	FY94 BUDGET	YTD BUDGET Nov. 30, 1993	YTD ACTUAL Nov. 30, 1993	UNDER(OVER) BUDGET
PERS SERV	2,390,834	1,011,323	941,886	69,437
PERS TRV IN	42,875	14,149	8,353	5,796
STATE VEHICL	20,850	8,684	6,557	2,137
DEPRECIATION	33,570	13,999	10,875	3,124
PERS TRV OUT	37,300	12,309	15,325	(3,016)
OFF SUPPLY	18,900	6,237	11,752	(5,515)
FAC MAINT SU	4,450	1,469	35	1,434
EQUIP MAINT	16,250	5,363	407	4,956
PROF SUPPLY	2,900	957	838	119
OTHER SUPPLY	41,850	13,811	5,749	8,062
PRINT & BIND	60,725	20,039	4,398	15,641
COMMUNICATIO	43,000	14,190	10,850	3,340
RENTALS	350	116	1,288	(1,173)
UTILITIES	13,500	4,455	3,704	751
PROF SERV	1,019,773	254,943	47,189	207,754
OUTSIDE SERV	39,075	12,895	4,711	8,184
ADV & PUBLICITY		0	207	(207)
DATA PROC	27,750	9,158	3,765	5,393
REIMBURSEMENT	7,390	2,439	1,022	1,417
EQUIPMENT	126,119	31,530	23,443	2,087
OTHER EXP	2,600	855	0	858
Totals	3,950,061	1,438,931	1,102,354	336,577

Note: The division is significantly under budget in Professional Services because several planned contracts for the Energy program have not been awarded yet, and because of slow billing of several other contractual obligations. \$25,010 is obligated for equipment.

Environmental Protection Division

EXPENSE	FY94 BUDGET	YTD BUDGET Nov. 30, 1993	YTD ACTUAL Nov. 30, 1993	UNDER(OVER) BUDGET
PERS SERV	7,618,462	3,222,609	3,136,176	86,433
PERS TRV IN	84,800	27,984	18,439	9,545
STATE VEHICL	57,000	23,769	17,128	6,641
DEPRECIATION	65,000	27,105	25,570	1,535
PERS TRV OUT	101,202	33,397	25,535	7,862
OFF SUPPLY	74,500	24,585	27,440	(2,855)
FAC MAINT SU	5,600	1,548	86	1,762
EQUIP MAINT	14,200	4,686	1,937	2,749
PROF SUPPLY	21,350	7,046	0	7,046
OTHER SUPPLY	38,200	12,606	18,189	(5,582)
PRINT & BIND	41,250	13,613	15,752	(2,140)
UNIFORMS	3,500	1,155	821	334
COMMUNICATIO	134,900	44,484	39,669	4,815
RENTALS	66,700	22,911	30,208	(8,197)
UTILITIES	23,650	7,805	4,381	3,424
PROF SERV	2,099,648	524,912	306,867	218,045
OUTSIDE SERV	80,300	26,499	22,714	3,785
ADVER PUB	8,000	2,540	2,734	(94)
DATA PROC	251,200	82,896	50,201	32,695
REIMBURSEMENT	25,600	8,448	4,849	3,599
EQUIPMENT	446,093	111,523	15,542	95,981
Totals	11,251,055	4,231,620	3,766,237	465,383

Note: Professional Services is significantly under budget, primarily in the 319 water planning program. \$18,180 is obligated for equipment purchases.

Fish and Wildlife Division

EXPENSE	FY94 BUDGET	YTD BUDGET Nov. 30, 1993	YTD ACTUAL Nov. 30, 1993	UNDER(OVER) BUDGET
PERS SERV	11,572,522	4,895,177	4,843,016	52,161
SEASONAL HELP	755,530	491,095	334,289	156,806
PERS TRV IN	333,170	109,946	113,818	(3,872)
STATE VEHICL	464,936	193,878	202,962	(9,084)
DEPRECIATION	727,480	303,359	285,210	18,149
PERS TRV OUT	29,400	9,702	11,002	(1,300)
OFF SUPPLY	299,118	98,709	122,283	(23,574)
FAC MAINT SU	475,227	155,825	122,863	33,962
EQUIP MAINT	334,436	110,364	130,600	(20,236)
AG CONS SUPP	344,075	113,545	105,567	7,978
OTHER SUPPLY	96,607	31,880	44,175	(12,295)
PRINT & BIND	191,666	63,250	29,297	33,953
UNIFORMS	133,275	43,981	32,960	11,001
COMMUNICATIO	188,950	62,354	67,898	(5,545)
RENTALS	66,035	21,792	16,309	5,483
UTILITIES	214,716	70,856	62,063	8,793
PROF SERV	334,000	83,500	63,602	19,898
OUTSIDE SERV	121,912	40,231	61,973	(21,742)
ADVER PUB	23,000	7,550	223	7,367
DATA PROC	53,200	17,556	23,135	(5,579)
REIMBURSEMENT	158,450	52,289	17,541	34,748
EQUIPMENT	682,039	170,510	50,534	119,976
OTHER EXP	600	198	979	(781)
LICENSES	300	99	46	53
Totals	17,600,644	7,148,684	6,742,355	406,319

Note: \$350,810 obligated for equipment purchases and facility maintenance items

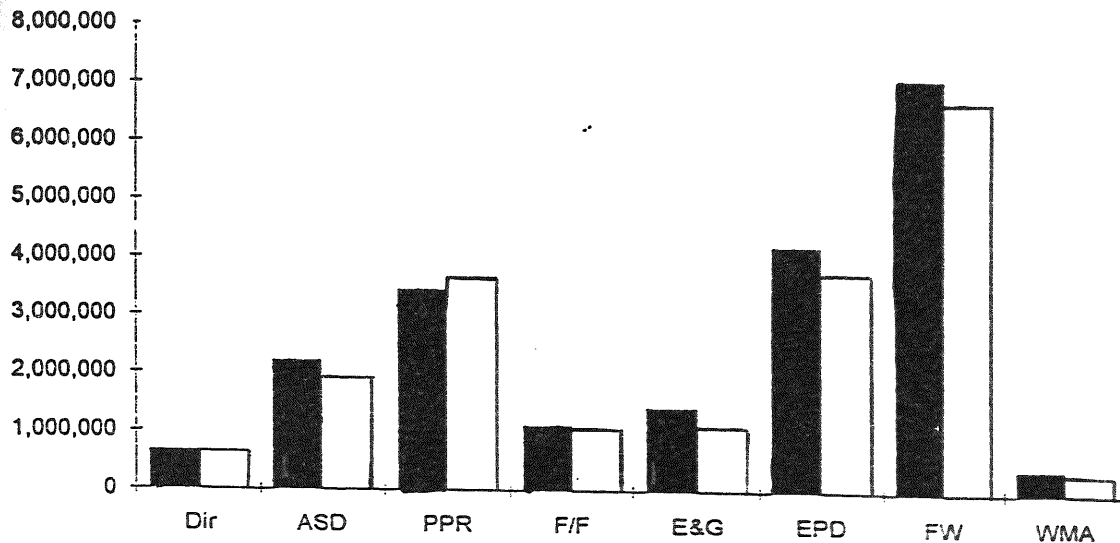
Waste Management Assistance Division

EXPENSE	FY94 BUDGET	YTD BUDGET Nov. 30, 1993	YTD ACTUAL Nov. 30, 1993	UNDER(OVER) BUDGET
PERS SERV	716,525	303,090	293,205	9,885
PERS TRV IN	28,200	9,306	7,871	1,435
PERS TRV OUT	47,270	15,599	10,169	5,430
OFF SUPPLY	6,679	2,204	2,991	(787)
EQUIP MAINT	950	314	0	314
OTHER SUPPLY	18,050	5,957	735	5,222
PRINT & BIND	81,794	26,992	14,357	12,635
COMMUNICATIO	20,660	6,818	3,724	3,094
RENTALS	0	0	582	(582)
PROF SERV	143,190	47,253	3,537	43,716
OUTSIDE SERV	9,140	3,016	5,342	(2,326)
DATA PROC	5,020	1,657	1,536	121
REIMBURSEMENT	16,950	5,554	579	5,015
EQUIPMENT	2,200	550	0	550
OTHER EXP	5,200	1,716	0	1,716
Totals	1,101,828	430,064	344,628	85,436

December 1993

Environmental Protection Commission Minutes

DNR Budget Status, 11/30/93



Mr. Kuhn stated that with the exception of the Parks Division the department is underbudgeted in all areas. The Parks Division is slightly overbudget due to flooding problems.

Discussion took place regarding the amount of FEMA money the department will receive, and the reason for overexpenditure on field office rentals.

INFORMATIONAL ONLY

APPROVAL OF FY 95/96 DNR BUDGET REQUEST

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is a summary of the FY95/6 operations budget request. This is the same as the budget information presented at the October, 1993 meeting for your information and consideration.

For operations, the DNR is requesting \$12.4 million annually for FY95 and FY96 from the State General fund. This compares to an actual appropriation total for operations of \$12.3 million in FY93 and \$12.5 million in FY94. The remainder of the budget is comprised of Fish and Wildlife revenues, the Groundwater program, federal aid and various receipts. Compared to FY93/4, no significant increases in either revenues or expenditures are anticipated or requested for agency operations.

The DNR has an established limit of 780 full time permanent positions. The request is based on no staffing increase. In total dollar terms, the DNR is proposing an operating budget for FY95 of \$52.2 million. This compares to \$48.6 million in FY94 and actual expenditures of \$44.9 million in FY93. Most of the increase relates to programs in the Fish and Wildlife and EPD divisions. These increases are funded from federal and earmarked revenue sources outside of the State General fund.

The first 3 pages of the attachment list, in priority order, the DNR's proposed request from 75% of the current budget to the total of the request in decision package priority order. The "base" budget includes the highest priority program elements funded with no more than 75% from the State General fund and appropriated Fish and Wildlife revenues. The "base" also includes programs funded entirely with federal or other earmarked revenues. Thus, the decision packages comprise program elements funded primarily with General Fund or Fish and Wildlife revenues.

With the exception of package #20, all involve restoring program elements to the current level.

Pages 4 & 5 of the attachment involve a summary of revenues and expenditures for DNR operations. Pages 6 through 23 present revenues and expenditures for each division separately. The decision package priority list and the financial summaries are the primary documents on which the DNR's request is presented to DOM and the Governor, and is based on the budget system and instructions provided by DOM to all agencies.

The other significant portion of the DNR's program involves the 5-year capital plan and the various accounts within the Groundwater Protection fund. The NRC has approved the 5-year capital plan and related financing. Detail regarding the Groundwater Protection fund was presented to the EPC at the October meeting, and is again included in the attachment. Unless the EPC desires otherwise, no official action is required with regard to the Groundwater fund. Absent any action by the EPC or the G.A., the Code authority currently exists to continue the Groundwater program within existing revenue constraints.

Approval of the EPC with respect to Environmental Protection, Waste Management Assistance, and related administrative support is requested.

(Budget Worksheets are shown on the following 12 pages)

December 1993

Environmental Protection Commission Minutes

NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPT. OPS.STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL
RANKING SCHEDULE- BUDGET UNITSCHEDULE 1 BUDGET UNIT
(RANKING SCHEDULE)
DATE 09/30/93 TIME 22:49:03
PAGE 12

94001542G72

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1994 - 1995		TOTAL DEPT REQUEST FY 1995 - 1996	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
	BASE	\$ 45,604,594	CF \$ 9,503,946	\$ 45,610,290	CF \$ 9,500,636
	Maintain only essential services associated with natural resource protection, recreation and preservation.	(733.41)	OT 17,441,201	(733.41)	OT 17,440,406
0001	Restore staffing at 19 state parks to resume campground operation, park security and visitor services at intermediate park management levels.	1,426,740	CF 1,426,740	1,426,740	CF 1,426,740
		(22.00)		(22.00)	
0002	Restore Big Springs Hatchery as well as statewide enforcement and public land management activities.	1,071,425	CF 1,071,425	1,071,923	CF 1,071,923
		(19.00)	OT	(19.00)	OT
0003	FLOOD PLAIN Restore flood plain program by providing for state supervision of flood plain construction activities.	271,569	CF 271,569	271,000	CF 271,000
		(5.25)		(5.25)	
0004	Restore Yellow River, Stephens, Shinnick state forest operations as well as forestry management assistance to land owners.	107,660	CF 107,660	107,660	CF 107,660
		(3.00)		(3.00)	
0005	Restore administrative support, license, finance, and data processing staff required to maintain basic support for essential departmental activities.	850,998	CF 259,327	859,000	CF 259,320
		(19.00)	OT 579,671	(19.00)	OT 579,672
0006	Restore gauging stations and geologic and hydrologic data used for development, management and conservation of water and mineral resources.	362,332	CF 362,332	362,056	CF 362,056
		(5.50)		(5.50)	
0007	Restore Fire Protection and Urban Forestry programs as well as 98% of the Department's state forest management capabilities.	174,011	CF 174,011	174,011	CF 174,011
		(4.03)		(4.03)	
0008	Restore wildlife extension work with local landowners, fish management/stocking and law enforcement activities.	1,070,640	CF 1,070,640	1,070,640	CF 1,070,640
		(20.00)	OT	(20.00)	OT

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RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1994 - 1995		TOTAL DEPT REQUEST FY 1995 - 1996	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0009	WATER RIGHTS Restore water withdrawal program by providing for state supervision of water use activities.	\$ 113,997	CF \$ 113,997	\$ 113,919	CF \$ 113,999
		(2.50)		(2.50)	
0010	Restore staffing at Bellevue and Lake Darling to resume operations, park security and visitor services at intermediate park management levels.	75,000	CF 75,000	75,000	CF 75,000
		(2.00)		(2.00)	
0011	Restore staffing at Beeds Lake and Mines of Spain to resume operations, park security, and visitor services at intermediate park management levels.	75,000	CF 75,000	75,000	CF 75,000
		(2.00)		(2.00)	
0012	USGS COOPERATIVE AGREEMENT Restore sediment stations to monitor sediment (erosion) load of streams; and to restore collection and analysis of water-use data.	72,467	CF 72,467	72,467	CF 72,467
0013	PUBLICATIONS Restore field information and education activities resuming TV, radio, periodical and brochure contact with the public concerning DNR programs.	100,659	CF 32,590	100,659	CF 32,590
		(2.00)	OT 76,061	(2.00)	OT 76,061
0014	Restore Mississippi monitoring program and fish and wildlife research activities as well as recreational safety programs.	1,177,256	CF 1,177,256	1,177,256	CF 1,177,256
		(19.00)	OT	(19.00)	OT
0015	Restore state forest management activities to 100% of current FY 94 level of service.	55,634	CF 55,634	55,634	CF 55,634
		(1.00)		(1.00)	
0016	Restore parttime help required to maintain day to day wildlife, and fisheries facilities as well as boating navigation enforcement activities.	1,060,634	CF 1,060,634	1,060,634	CF 1,060,634
		(59.00)	OT	(59.00)	OT
0017	PUBLICATIONS Restore publishing support for brochure, magazine and news release preparation.	30,447	CF 11,534	30,447	CF 11,534
		(1.00)	OT 26,913	(1.00)	OT 26,913
0018	PUBLICATIONS Restore Media Link electronic news release services.	15,000	CF 4,500	15,000	CF 4,500
			OT 10,500		OT 10,500

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RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1994 - 1995		TOTAL DEPT REQUEST FY 1995 - 1996	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0019	NW DISTRICT PARKS MGMT Restore extra help to 13 state recreation areas to maintain area facilities for day to day use.	\$ 80,000 (5.65)	CF \$ 80,000	\$ 80,000 (5.65)	CF \$ 80,000
0020	FISH AND WILDLIFE DIV. MGMT Provide additional funding to increase fish and wildlife division-wide equipment, maintenance and printing budgets by 2%.	350,000	OT 350,000	350,000	OT 350,000
TOTAL		\$ 52,239,071 (920.62)	CF \$ 12,787,123 OT 22,864,381	\$ 52,246,024 (920.62)	CF \$ 12,794,771 OT 22,864,005

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
GMF-BIG SPRINGS MONITORING-D	\$ 610,037	\$ 409,713	\$ 335,028	\$ 229,202	\$ 220,562	\$ 220,561
GMF-GEN'L PROVISIONS-DNR	549,391	602,042	214,016	25,000	25,000	25,000
GMF-STORAGE TANKS STUDY-DNR	153,545	160,323	91,721	141,070	130,702	139,054
GMF-HOUSEHOLD HAZ WASTE-DNR	101,154	99,075	203,190	214,327	215,502	215,502
GMF-WELL TESTING ADMIN 22-DNR	74,606	59,120	145,766	40,039	40,544	40,640
GMF-CWTR MONITORING-DNR	864,711	1,104,381	1,283,622	1,443,864	1,444,870	1,446,511
GMF-WASTE MGMT AUTH.-DNR	64,680					
GMF-LANDFILL ALTERNATIVES-DNR	84,921	22,146	700,976	111,295	110,755	110,753
WASTE REDUCTION & ASSISTANCE			32,623	114,842	116,200	116,475
CF-NATURAL RESOURCES OPERATNS			1,481,119		12,375,612	12,303,460
ADMINISTRATIVE SERV -DNR			5,303,574	1,077,244	5,424,969	
PARKS & PRESERVES-DNR			1,326,503	1,443,513	1,660,523	
FORESTRY DIV-DNR			1,383,767	2,083,640	20,166,627	20,396,491
ENERGY & GEOLOGY-DNR			2,043,670	145,000	145,000	
ENVIRONMENTAL PROT-DNR			19,223,229	411,111	411,111	
FEG-DNR ADMIN EXPENSES			136,000			
UST ADMINISTRATION MATCH			411,311			
CF-MARINE FUEL TAX OPER						
NFT-OPERATIONS-DNR	400,000					
APPROPRIATIONS SUBTOTAL	2,903,045	2,624,013	34,405,225	35,533,321	35,651,504	35,650,774
RECEIPTS						
FEDERAL SUPPORT	7,234,774	7,401,390	7,921,398	7,910,276	9,507,619	9,592,161
INTRA STATE RECEIPTS	4,504,002	4,371,576	4,070,000	6,351,004	6,342,446	6,345,446
REIMB: FROM OTHER AGENCIES	47,649	155,411	202,792	132,176	104,319	104,319
FEES, LICENSES & PERMITS		139,790	437,500	53,979	53,060	53,060
REFUNDS & REIMBURSEMENTS	363,560	369,340	557,312	467,956	461,115	461,455
OTHER SALES & SERVICES		7,600	33,174	30,000	30,000	
RECEIPTS SUBTOTAL	12,230,075	12,445,107	14,235,650	16,619,956	16,579,567	16,507,240
TRANSFERS						
CF-DNR OPS APPROP SUMMARY	05,000	50,977				
GEN FUND-COORD & INFO DIVIS	770,994	432,403				
CF-DNR ADMIN SERVCS DIV.	1,457,626	1,222,340				
CF-DNR PARKS & PRESERVES DI	5,175,030	5,117,732				
CF-DNR FORESTRY DIVISION	1,414,679	1,206,110				
CF-DNR ENERGY & GEOLOGY DIV	1,393,449	1,212,001				
CF-DNR ENVIRON PROTECTION D	1,066,646	1,705,925				
FEG-FISH & WILDLIFE APPROP	2,000,000	2,606,741				
FEG-DNR LAW ENFORCEMENT DNR	4,072,379	5,102,606				
FEG-DNR FISHERIES DNR APPRO	4,431,665	4,601,332				

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
TRANSFERS						
FIS-DNR WILDLIFE BUREAU APP	4,858,389	4,817,795				
FIS-DNR FAW DIVISION MGMT	242,427	454,893				
OF-MPT PARKS OPERATIONS		431,550				
ADMINISTRATION FUND	618,220	425,894				
ENERGY RESEARCH & DEVELOPME		143,043				
TOTAL RESOURCES	\$ 45,378,838	\$ 44,929,328	\$ 48,640,875	\$ 52,153,277	\$ 52,250,071	\$ 52,246,024
FTE POSITIONS	948.10	893.25	899.57	928.62	928.62	928.62
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 32,471,363	\$ 31,391,457	\$ 34,475,912	\$ 35,182,798	\$ 34,910,392	\$ 34,925,545
PERSONAL TRAVEL IN STATE	743,742	650,216	598,548	701,020	701,020	701,020
STATE VEHICLE OPERATION	809,818	873,392	841,926	905,517	905,517	905,517
DEPRECIATION	1,148,420	1,210,808	1,280,360	1,352,700	1,352,700	1,352,700
PERSONAL TRAVEL OUT OF STATE		87,025	130,367	247,857	247,857	247,857
OFFICE SUPPLIES	832,979	812,319	844,099	870,502	920,502	920,502
FACILITY MAINTENANCE SUPPLIE	844,949	758,237	824,250	1,048,077	1,050,077	1,050,077
EQUIPMENT MAINTENANCE SUPPLI	832,709	801,170	804,767	781,685	831,685	831,685
PROF. & SCIENTIFIC SUPPLIES	57,008	16,873	1,221	503,075	553,075	553,075
AG. CONSERVATION & HORT SUPP	314,326	502,187	403,617	25,750	25,750	25,750
OTHER SUPPLIES	330,198	355,868	336,072	349,651	349,651	349,651
PRINTING & BINDING	647,390	521,741	525,288	758,844	800,844	800,844
UNIFORMS & RELATED ITEMS	88,070	185,532	144,734	202,452	202,452	202,452
COMMUNICATIONS	605,230	643,141	654,063	658,781	658,781	658,781
RENTALS	150,425	171,125	181,413	203,985	203,985	203,985
UTILITIES	671,435	704,403	696,103	680,567	680,567	680,567
PROF & SCIENTIFIC SERVICES	2,541,832	2,404,617	2,326,558	3,700,832	3,700,832	3,700,832
OUTSIDE SERVICES	663,250	588,683	715,775	815,529	815,529	815,529
ADVERTISING & PUBLICITY	25,000	10,512	31,566	45,050	45,050	45,050
DATA PROCESSING	312,831	376,250	411,347	452,228	452,228	452,228
AUDITOR OF STATE REIMBURSEME	132,998	146,201	127,712	150,000	150,000	150,000
REIMB. TO OTHER AGENCIES	268,945	269,114	229,065	335,740	335,740	335,740
EQUIPMENT	803,953	1,134,535	1,426,851	1,772,974	1,872,974	1,872,974
OTHER EXPENSE & OBLIGATIONS	4,847	319,886	576,739	575,200	575,200	575,200
HEALTH INSURANCE PREMIUMS			12,012			
BACK PAY INTEREST			9,499			
LICENSES	910	2,270	811	1,847	1,847	1,847
STATE AID	93,250					
EXPENDITURES SUBTOTAL	45,378,838	44,929,342	48,640,875	52,153,277	52,250,071	52,246,024

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
GNF-BIG SPRINGS MONITORING-D	\$ 1,199	\$ 1,080	\$ 2,254	\$ 2,291	\$ 2,257	\$ 2,261
GNF-GERL PROVISIONS-DNR	2,602	2,546	2,203	25,800	25,800	25,800
GNF-STORAGE TANKS STUDY-DNR	219					
GNF-HOUSEHOLD HAZ WASTE-DNR	520	421	2,538	3,421	3,410	3,425
GNF-WELL TESTING ADMIN 22-DNR	620	407	777	777	763	760
GNF-GWTR MONITORING-DNR	7,775	9,101	22,321	29,982	29,742	29,819
GNF-LANDFILL ALTERNATIVES-DNR	653	93	4,457	2,098	2,067	2,071
WASTE REDUCTION & ASSISTANCE				2,108	2,122	2,131
GNF-NATURAL RESOURCES OPERATNS					508,039	508,233
ADMINISTRATIVE SERV -DNR			435,734	533,038		
FIS-DNR ADMIN EXPENSES			300,502	354,495	376,814	377,204
APPROPRIATIONS SUBTOTAL	13,648	13,740	787,819	955,210	958,222	951,012
RECEIPTS						
FEDERAL SUPPORT	48,023	47,385	334,425			
INTRA STATE RECEIPTS	13,787	8,945	190,477	426,957	426,240	424,642
RECEIPTS SUBTOTAL	61,210	56,330	406,119	393,643	392,920	394,060
TRANSFERS						
GF-DNR OPS APPROP SUMMARY	85,800	58,977				
FIS-FISH & WILDLIFE APPROP	130,949	126,632				
TOTAL RESOURCES	\$ 291,647	\$ 255,407	\$ 1,194,477	\$ 1,775,056	\$ 1,760,502	\$ 1,769,734
FTE POSITIONS	4.91	3.58	21.03	21.40	21.40	21.40
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 243,197	\$ 203,074	\$ 902,709	\$ 993,316	\$ 985,862	\$ 987,214
PERSONAL TRAVEL IN STATE	30,453	21,849	31,602	52,150	52,150	52,150
STATE VEHICLE OPERATION			5,492	8,431	8,431	8,431
DEPRECIATION			7,060	12,450	12,450	12,450
PERSONAL TRAVEL OUT OF STATE		1,366	6,013	8,980	8,980	8,980
OFFICE SUPPLIES	529	1,547	65,009	89,050	89,050	89,050
FACILITY MAINTENANCE SUPPLIE			175	3,000	3,000	3,000
EQUIPMENT MAINTENANCE SUPPLI			4,027	6,050	6,050	6,050
OTHER SUPPLIES	876	1,244	41,576	57,150	57,150	57,150
PRINTING & BINDING	13,430	10,891	228,642	312,431	312,431	312,431

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
EXPENDITURES						
UNIFORMS & RELATED ITEMS			1,175	800	800	800
COMMUNICATIONS		5,256	22,501	29,100	29,100	29,100
RENTALS			303	500	500	500
UTILITIES			161	750	750	750
PROF & SCIENTIFIC SERVICES			53,725	110,216	110,216	110,216
OUTSIDE SERVICES		2,509	36,417	24,100	24,100	24,100
ADVERTISING & PUBLICITY				10,000	10,000	10,000
DATA PROCESSING	2,501	2,113	10,661	14,050	14,050	14,050
REIMB. TO OTHER AGENCIES	404	140	1,615	6,175	6,175	6,175
EQUIPMENT	272	5,599	26,295	33,817	33,817	33,817
OTHER EXPENSE & OBLIGATIONS		50	367	2,600	2,600	2,600
BACK PAY INTEREST			350			
EXPENDITURES SUBTOTAL	291,647	255,606	1,520,363	1,775,056	1,760,302	1,769,734
REVERSIONS						
UNSPENT BALANCE			1,337,884			
TOTAL DISPOSITION OF RESOURCES	\$ 291,647	\$ 255,606	\$ 1,520,363	\$ 1,775,056	\$ 1,760,302	\$ 1,769,734

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
GWF-BIG SPRINGS MONITORING-D	\$ 3,752	\$ 3,530	\$	\$	\$	\$
GWF-GEN'L PROVISIONS-DNR	69,474	41,498				
GWF-STORAGE TANKS STUDY-DNR	26,880	5,561				
GWF-HOUSEHOLD HAZ WASTE-DNR	1,620	1,379				
GWF-WELL TESTING ADMIN 2X-DNR	1,940	1,597				
GWF-CHTR MONITORING-DNR	24,331	29,027				
GWF-LANDFILL ALTERNATIVES-DNR	2,045	305				
APPROPRIATIONS SUBTOTAL	130,050	83,705				
RECEIPTS						
FEDERAL SUPPORT	384,367	301,790				
INTRA STATE RECEIPTS	83,499	72,361				
RECEIPTS SUBTOTAL	467,866	454,159				
TRANSFERS						
GEN FUND-COORD & INFO DIVIS	770,996	432,603				
F&G-FISH & WILDLIFE APPROP	409,893	415,002				
ADMINISTRATION FUND	618,220	423,094				
TOTAL RESOURCES	\$ 2,405,025	\$ 1,809,443	\$ 0	\$ 0	\$ 0	\$ 0
FTE POSITIONS	37.70	27.70				
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 1,571,501	\$ 1,106,262	\$	\$	\$	\$
PERSONAL TRAVEL IN STATE	25,075	19,552				
STATE VEHICLE OPERATION	10,245	5,976				
DEPRECIATION	14,940	8,360				
PERSONAL TRAVEL OUT OF STATE		5,722				
OFFICE SUPPLIES	72,115	96,975				
FACILITY MAINTENANCE SUPPLIE	14,340	8,032				
EQUIPMENT MAINTENANCE SUPPLT	10,064	3,501				
PROF. & SCIENTIFIC SUPPLIES	10,596					
AG. CONSERVATION & HORT SUPP	412					
OTHER SUPPLIES	40,620	40,189				
PRINTING & BINDING	406,657	300,651				
UNIFORMS & RELATED ITEMS	313	303				
EXPENDITURES SUBTOTAL	2,405,025	1,809,446				
REVERSIONS						
TOTAL DISPOSITION OF RESOURCES	\$ 2,405,025	\$ 1,809,446	\$ 0	\$ 0	\$ 0	\$ 0

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
EXPENDITURES						
COMMUNICATIONS	13,496	31,579				
RENTALS	2,011	1,349				
UTILITIES	33,022	215				
PROF & SCIENTIFIC SERVICES	13,468	314				
OUTSIDE SERVICES	91,070	40,292				
ADVERTISING & PUBLICITY	564	9				
DATA PROCESSING	15,792	16,061				
REIMB. TO OTHER AGENCIES	4,627	4,215				
EQUIPMENT	37,209	11,150				
OTHER EXPENSE & OBLIGATIONS		4,509				
EXPENDITURES SUBTOTAL	2,405,025	1,809,446				
REVERSIONS						
TOTAL DISPOSITION OF RESOURCES	\$ 2,405,025	\$ 1,809,446	\$ 0	\$ 0	\$ 0	\$ 0

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
GMF-BIG SPRINGS MONITORING-D	14,417	14,110	15,988	12,042	11,905	11,900
GMF-GEN'L PROVISIONS-DNR	32,253	33,541	25,605			
GMF-STORAGE TANKS STUDY-DNR	2,632					
GMF-HOUSEHOLD HAZ WASTE-DNR	6,256	5,501	17,988	17,978	10,153	10,144
GMF-HELL TESTING ADMIN 22-DN	7,455	6,370	5,524	4,003	4,054	4,064
GMF-GUTR MONITORING-DNR	93,502	110,954	158,182	157,564	157,940	150,000
GMF-LANDFILL ALTERNATIVES-DN	7,050	1,210	11,741	11,026	10,979	10,975
WASTE REDUCTION & ASSISTANCE				11,076	11,269	11,200
CF-NATURAL RESOURCES OPERINGS			1,545,305	1,344,206	1,543,975	1,342,192
ADMINISTRATIVE SERV -DNR			2,529,055	2,430,642	2,395,760	2,395,291
FEG-DNR ADMIN EXPENSES						
APPROPRIATIONS SUBTOTAL	164,373	179,694	4,309,468	3,996,617	3,950,119	3,952,024
RECEIPTS						
FEDERAL SUPPORT	607,276	624,709	800,638	746,562	743,493	743,993
INTRA STATE RECEIPTS	470,806	526,135	2,066,624	602,701	815,089	815,910
RECEIPTS SUBTOTAL	1,006,002	1,140,844	2,866,624	1,545,124	1,550,502	1,559,903
TRANSFERS						
CF-DNR ADMIN SERVICES DIV.	1,657,626	1,222,140				
FEG-FISH & WILDLIFE APPROP	2,347,144	2,145,107				
TOTAL RESOURCES	\$ 5,255,225	\$ 4,695,705	\$ 2,866,624	\$ 5,561,741	\$ 5,512,701	\$ 5,511,927
FTE POSITIONS	113.21	100.40	92.79	94.10	94.10	94.10
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	3,929,765	3,572,760	3,703,420	3,669,670	3,620,630	3,619,044
PERSONAL TRAVEL IN STATE	40,003	51,921	32,304	53,550	53,550	53,550
STATE VEHICLE OPERATION	53,301	50,395	47,599	59,000	59,000	59,000
DEPRECIATION	66,700	69,725	70,600	80,500	80,500	80,500
PERSONAL TRAVEL OUT OF STATE		1,999	5,430	7,300	7,300	7,300
OFFICE SUPPLIES	413,143	293,700	316,630	315,255	315,255	315,255
FACILITY MAINTENANCE SUPPLIE	1,000	16,349	13,626	21,000	21,000	21,000
EQUIPMENT MAINTENANCE SUPPLI	55,997	49,106	60,597	52,000	52,000	52,000
OTHER SUPPLIES	8,009	15,544	22,130	14,300	14,300	14,300
PRINTING & BINDING	14,504	15,232	19,991	14,500	14,500	14,500

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DISPOSITION OF RESOURCES						
EXPENDITURES						
UNIFORMS & RELATED ITEMS	1,100	3,942	1,724	2,500	2,500	2,000
COMMUNICATIONS	239,320	87,005	95,576	93,100	93,100	93,100
RENTALS	402	490	120	500	500	500
OUTSIDE SERVICES	62,195	43,303	95,761	70,650	70,650	70,650
ADVERTISING & PUBLICITY		102	307	500	500	500
DATA PROCESSING	85,940	106,541	103,371	91,700	91,700	91,700
AUDITOR OF STATE REIMBURSEME	132,990	146,201	127,712	150,000	150,000	150,000
REIMB. TO OTHER AGENCIES	37,305	27,633	100,267	110,150	110,150	110,150
EQUIPMENT	109,551	132,913	248,260	109,500	109,500	109,500
OTHER EXPENSE & OBLIGATIONS		10,650	547,557	550,000	550,000	550,000
HEALTH INSURANCE PREMIUMS			5,439			
BACK PAY INTEREST			2,170			
LICENSES		100		50	50	50
EXPENDITURES SUBTOTAL	5,255,225	4,695,707	5,712,007	5,561,741	5,512,701	5,511,927
REVERSIONS						
UNSPENT BALANCE			3,640,105			
TOTAL DISPOSITION OF RESOURCES	\$ 5,255,225	\$ 4,695,707	\$ 2,066,624	\$ 5,561,741	\$ 5,512,701	\$ 5,511,927

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PARKS, PRES. & RECREATION DIV.

	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
EXPENDITURES						
PROF & SCIENTIFIC SERVICES	38,398	62,822	57,188	74,000	74,000	74,000
OUTSIDE SERVICES	198,679	192,748	283,519	185,352	185,352	185,352
ADVERTISING & PUBLICITY	719	1,228	1,232	2,550	2,550	2,550
DATA PROCESSING	3,135	4,856	4,939	6,000	6,000	6,000
REIMB. TO OTHER AGENCIES	31,913	10,953	4,352	2,475	2,475	2,475
EQUIPMENT	95,700	102,522	178,210	152,378	152,378	152,378
OTHER EXPENSE & OBLIGATIONS	3,634	45,960	3,605	4,700	4,700	4,700
HEALTH INSURANCE PREMIUMS			2,652			
BACK PAY INTEREST			364			
LICENSES	300	2,185	256	697	697	697
EXPENDITURES SUBTOTAL	7,473,691	7,613,429	7,972,761	8,188,089	8,048,056	8,050,819
REVERSINGS						
UNSPENT BALANCE			2,022,204			
TOTAL DISPOSITION OF RESOURCES	7,473,691	7,613,429	5,950,557	8,188,089	8,048,056	8,050,819

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PARKS, PRES. & RECREATION DIV.

	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
GF-NATURAL RESOURCES OPERINGS			5,385,974	5,424,969	5,265,940	5,368,723
PARKS & PRESERVES-DNR			411,311	411,311	411,311	411,311
GF-MARINE FUEL TAX OPER						
HFT-OPERATIONS-DNR	400,000					
APPROPRIATIONS SUBTOTAL	400,000		5,797,285	5,836,280	5,777,271	5,780,034
RECEIPTS						
FEDERAL SUPPORT	54,226	35,122	22,447	33,749	34,500	34,500
INTRA STATE RECEIPTS	1,844,427	1,995,126	5,077,260	2,194,249	2,193,225	2,193,225
REFUNDS & REIMBURSEMENTS		33,918	29,168	50,691	43,060	45,060
RECEIPTS SUBTOTAL	1,898,653	2,064,166	5,128,777	2,278,689	2,270,785	2,270,785
TRANSFERS			2,175,476			
GF-DNR PARKS & PRESERVES DI	5,175,038	5,117,732				
GF-HFT PARKS OPERATIONS		431,530	2,972,761			
TOTAL RESOURCES	7,473,691	7,613,428	5,950,557	8,188,089	8,048,056	8,050,819
FTE POSITIONS	199.38	194.79	194.53	195.73	195.73	195.73
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	5,215,067	5,212,516	5,514,497	5,627,554	5,567,521	5,570,204
PERSONAL TRAVEL IN STATE	68,765	74,125	51,390	61,775	61,775	61,775
STATE VEHICLE OPERATION	101,173	106,094	109,079	202,800	202,800	202,800
DEPRECIATION	222,045	240,770	293,680	294,000	294,000	294,000
PERSONAL TRAVEL OUT OF STATE		2,504	3,442	7,685	7,685	7,685
OFFICE SUPPLIES	35,570	30,992	38,457	46,700	46,700	46,700
FACILITY MAINTENANCE SUPPLIE	504,901	440,559	450,854	454,000	454,000	454,000
EQUIPMENT MAINTENANCE SUPPLI	302,499	304,718	306,868	299,999	299,999	299,999
PROF. & SCIENTIFIC SUPPLIES			1,000	1,000	1,000	1,000
AG., CONSERVATION & HORT SUPP	14,432	26,444	20,560	30,000	30,000	30,000
OTHER SUPPLIES	36,000	36,532	40,807	42,994	42,994	42,994
PRINTING & BINDING	19,300	20,904	35,999	33,000	33,000	33,000
UNIFORMS & RELATED ITEMS	9,103	42,450	25,399	46,277	46,277	46,277
COMMUNICATIONS	87,054	97,033	93,789	105,502	105,502	105,502
RENTALS	20,715	29,727	32,909	34,900	34,900	34,900
UTILITIES	373,325	456,095	411,222	390,951	390,951	390,951

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RESOURCES						
APPROPRIATIONS						
GF-NATURAL RESOURCES OPERTHS	\$	\$	\$ 1,326,508	\$ 1,443,518	\$ 1,426,916	\$ 1,428,161
FORESTRY DIV-DNR						
APPROPRIATIONS SUBTOTAL				1,443,518	1,426,916	1,428,161
RECEIPTS						
FEDERAL SUPPORT	503,792	387,295	450,471	450,471	475,000	475,000
INTRA STATE RECEIPTS	751,000	867,857	1,443,010	817,913	866,000	866,000
RECEIPTS SUBTOTAL	1,254,792	1,255,152	1,893,481	1,268,384	1,341,000	1,341,000
TRANSFERS						
GF-DNR FORESTRY DIVISION	1,414,679	1,286,118	2,595,090			
TOTAL RESOURCES	\$ 2,669,471	\$ 2,541,250	\$ 1,893,481	\$ 2,704,518	\$ 2,767,916	\$ 2,769,161
FTE POSITIONS	56.68	44.99	47.64	48.71	48.71	48.71
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 1,040,278	\$ 1,635,066	\$ 1,770,691	\$ 1,030,577	\$ 1,021,775	\$ 1,025,020
PERSONAL TRAVEL IN STATE	31,853	35,045	42,260	44,500	44,500	44,500
STATE VEHICLE OPERATION	69,765	77,862	79,473	92,500	92,500	92,500
DEPRECIATION	94,410	106,440	132,255	139,700	139,700	139,700
PERSONAL TRAVEL OUT OF STATE	22,687	1,584	2,551	8,000	8,000	8,000
OFFICE SUPPLIES	39,917	27,121	21,432	20,300	20,300	20,300
FACILITY MAINTENANCE SUPPLIE	52,706	45,712	45,302	44,000	44,000	44,000
EQUIPMENT MAINTENANCE SUPPLI		54,666	50,191	57,000	57,000	57,000
PROF. & SCIENTIFIC SUPPLIES			406	500	500	500
AG., CONSERVATION & HORT SUPP	73,110	205,106	134,280	129,000	129,000	129,000
OTHER SUPPLIES	32,306	46,141	37,292	39,900	39,900	39,900
PRINTING & BINDING	11,121	11,792	10,359	15,500	15,500	15,500
UNIFORMS & RELATED ITEMS	12,350	13,597	9,346	16,100	16,100	16,100
COMMUNICATIONS	31,550	30,137	33,545	45,669	45,669	45,669
RENTALS	29,172	36,597	32,127	35,000	35,000	35,000
UTILITIES	29,077	31,249	32,005	37,000	37,000	37,000
PROF & SCIENTIFIC SERVICES	40,020	4,421	5,004			
OUTSIDE SERVICES	124,524	55,137	83,169	77,000	77,000	77,000
ADVERTISING & PUBLICITY	700	1,741	922	1,000	1,000	1,000
DATA PROCESSING	2,010	2,525	2,969	3,300	3,300	3,300

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DISPOSITION OF RESOURCES						
EXPENDITURES						
REIMB. TO OTHER AGENCIES	121		746	550	550	550
EQUIPMENT	27,450	102,910	70,248	140,022	140,022	140,022
OTHER EXPENSE & OBLIGATIONS		8,381	48			
BACK PAY INTEREST			309			
LICENSES	230					
STATE AID	93,250					
EXPENDITURES SUBTOTAL	2,669,471	2,541,250	2,595,490	2,704,518	2,767,916	2,769,161
UNSPENT BALANCE			702,409			
TOTAL DISPOSITION OF RESOURCES	\$ 2,669,471	\$ 2,541,250	\$ 2,595,490	\$ 2,704,518	\$ 2,767,916	\$ 2,769,161

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
GMF-BIG SPRINGS MONITORING-D	\$ 591,469	\$ 470,990	\$ 316,784	\$ 214,869	\$ 214,320	\$ 214,320
GMF-GEN'L PROVISIONS-DNR	260,592	191,760	0			
OF-NATURAL RESOURCES OPERINGS			1,509,967	1,660,573	1,651,904	1,625,453
ENERGY & GEOLOGY-DNR						
APPROPRIATIONS SUBTOTAL	852,061	662,750	1,906,751	1,875,442	1,866,304	1,869,953
RECEIPTS						
FEDERAL SUPPORT	434,603	549,903	558,339	1,050,152	1,040,990	1,049,001
INTRA STATE RECEIPTS	1,179,249	532,079	2,708,799	657,709	657,015	657,907
REIMB. FROM OTHER AGENCIES	47,649	145,301	120,792	104,850	104,319	104,319
FEES, LICENSES & PERMITS		139,790	127,501	53,979	53,060	53,060
REFUNDS & REIMBURSEMENTS	161,313	114,010	190,702	177,040	175,601	175,601
OTHER SALES & SERVICES		7,600	33,474	26,574	30,000	30,000
RECEIPTS SUBTOTAL	1,822,814	1,489,563	2,435,156	2,074,619	2,070,601	2,070,776
TRANSFERS						
OF-DNR ENERGY & GEOLOGY DIV	1,393,449	1,212,001	1,528,993			
ENERGY RESEARCH & DEVELOPME		143,043	3,430,544			
TOTAL RESOURCES	\$ 4,068,324	\$ 3,500,165	\$ 3,430,156	\$ 3,950,061	\$ 3,936,905	\$ 3,940,729
FTE POSITIONS	59.13	51.96	50.04	52.00	52.00	52.00
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 2,343,520	\$ 2,163,635	\$ 2,356,750	\$ 2,390,034	\$ 2,377,470	\$ 2,381,502
PERSONAL TRAVEL IN STATE	55,427	29,153	23,052	42,075	42,075	42,075
STATE VEHICLE OPERATION	16,000	21,413	10,607	20,050	20,050	20,050
DEPRECIATION	20,740	29,340	28,200	33,570	33,570	33,570
PERSONAL TRAVEL OUT OF STATE		12,773	25,310	37,300	37,300	37,300
OFFICE SUPPLIES	14,200	10,260	20,970	4,450	10,900	10,900
FACILITY MAINTENANCE SUPPLIE	1,117	197	561	10,900	4,450	4,450
EQUIPMENT MAINTENANCE SUPPLI	36,726	9,921	7,493	16,250	16,250	16,250
PROF. & SCIENTIFIC SUPPLIES	13,552	16,030	735	2,900	2,900	2,900
OTHER SUPPLIES	40,732	51,769	34,431	41,050	41,050	41,050
PRINTING & BINDING	32,600	10,701	17,755	60,725	60,725	60,725
COMMUNICATIONS	10,725	30,310	37,006	43,000	43,000	43,000
RENTALS	2,100	2,160	1,300	350	350	350
EXPENDITURES SUBTOTAL	4,068,324	3,500,165	3,430,544	3,950,061	3,936,905	3,940,729
UNSPENT BALANCE			707,400			
TOTAL DISPOSITION OF RESOURCES	\$ 4,068,324	\$ 3,500,165	\$ 3,430,156	\$ 3,950,061	\$ 3,936,905	\$ 3,940,729

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DISPOSITION OF RESOURCES						
EXPENDITURES						
UTILITIES	16,795	13,443	16,393	13,500	13,500	13,500
PROF. & SCIENTIFIC SERVICES	1,206,625	870,767	677,036	1,019,773	1,019,773	1,019,773
OUTSIDE SERVICES	33,490	50,667	59,579	39,075	39,075	39,075
ADVERTISING & PUBLICITY		231				
DATA PROCESSING	14,755	19,709	13,352	27,750	27,750	27,750
REIMB. TO OTHER AGENCIES	6,740	4,106	9,201	7,390	7,390	7,390
EQUIPMENT	77,504	112,440	60,745	126,119	126,119	126,119
OTHER EXPENSE & OBLIGATIONS		16,236	6,723	2,600	2,600	2,600
BACK PAY INTEREST			479			
EXPENDITURES SUBTOTAL	4,068,324	3,500,165	3,430,544	3,950,061	3,936,905	3,940,729
UNSPENT BALANCE			707,400			
TOTAL DISPOSITION OF RESOURCES	\$ 4,068,324	\$ 3,500,165	\$ 3,430,156	\$ 3,950,061	\$ 3,936,905	\$ 3,940,729

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RESOURCES						
APPROPRIATIONS						
GMF-GEN'L PROVISIONS-DNR	\$ 184,390	\$ 412,669	\$ 166,379	\$	\$	\$
GMF-STORAGE TANKS STUDY-DNR	123,816	162,762	91,724	141,070	130,702	139,054
GMF-WELL TESTING ADMIN 2Z-DNR	64,591	58,674	39,462	35,979	35,227	35,024
GMF-GMTR MONITORING-DNR	433,252	612,119	638,163	836,867	836,207	837,012
GMF-NATURAL RESOURCES OPERINGS			204,678		2,070,940	2,080,518
ENVIRONMENTAL PROT-DNR			136,000	2,003,640		
UST ADMINISTRATION MATCH				145,000	145,000	145,000
APPROPRIATIONS SUBTOTAL	806,047	1,230,224	3,115,395	5,242,556	5,254,656	5,257,400
RECEIPTS						
FEDERAL SUPPORT	5,013,017	5,147,372	6,489,034	5,542,851	6,741,524	6,745,061
INTRA STATE RECEIPTS	53,242	155,552	2,892,656	2,210,201	1,019,895	1,021,751
REIMB. FROM OTHER AGENCIES		10,110	130,000			
REFUNDS & REIMBURSEMENTS	202,255	220,612	370,642	307,819	242,454	242,794
RECEIPTS SUBTOTAL	5,268,514	5,533,646	7,000,732	8,027,997	8,003,703	8,009,606
TRANSFERS						
GF-DNR ENVIRON PROTECTION D	1,846,646	1,785,925	9,727,090			
TOTAL RESOURCES	\$ 7,921,207	\$ 8,557,795	\$ 8,000,732	\$ 11,270,555	\$ 11,258,439	\$ 11,267,014
FTE POSITIONS	144.55	144.85	154.50	161.00	161.00	161.00
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 6,036,795	\$ 6,172,865	\$ 7,104,753	\$ 7,610,462	\$ 7,506,346	\$ 7,594,921
PERSONAL TRAVEL IN STATE	111,463	63,105	51,556	84,000	84,000	84,000
STATE VEHICLE OPERATION	34,268	38,478	40,043	57,000	57,000	57,000
DEPRECIATION	56,505	59,895	61,140	65,000	65,000	65,000
PERSONAL TRAVEL OUT OF STATE		34,995	48,102	101,202	101,202	101,202
OFFICE SUPPLIES	56,694	59,508	73,052	74,500	74,500	74,500
FACILITY MAINTENANCE SUPPLIE	2,666	2,010	11,685	5,600	5,600	5,600
EQUIPMENT MAINTENANCE SUPPLI	17,120	13,037	12,545	14,200	14,200	14,200
PROF. & SCIENTIFIC SUPPLIES	24,940	35		21,350	21,350	21,350
OTHER SUPPLIES	26,270	24,041	29,174	30,200	30,200	30,200
PRINTING & BINDING	8,100	35,403	77,705	41,250	41,250	41,250
UNIFORMS & RELATED ITEMS	3,205	1,031	2,300	3,500	3,500	3,500
COMMUNICATIONS	40,550	123,281	139,645	134,800	134,500	134,000

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
EXPENDITURES						
RENTALS	50,390	53,403	58,690	66,700	66,700	66,700
UTILITIES	13,313	16,030	17,742	23,650	23,650	23,650
PROF & SCIENTIFIC SERVICES	959,550	1,230,549	1,270,771	2,099,640	2,099,640	2,099,640
OUTSIDE SERVICES	45,073	34,370	104,611	80,300	80,300	80,300
ADVERTISING & PUBLICITY	3,050	4,557	3,628	8,000	8,000	8,000
DATA PROCESSING	136,060	169,071	202,791	251,200	251,200	251,200
REIMB. TO OTHER AGENCIES	19,000	25,332	24,124	25,600	25,600	25,600
EQUIPMENT	273,074	372,517	357,382	446,093	446,093	446,093
OTHER EXPENSE & OBLIGATIONS		25,074	11,705	9,500	9,500	9,500
HEALTH INSURANCE PREMIUMS			1,549			
BACK PAY INTEREST			697			
LICENSES	105					
EXPENDITURES SUBTOTAL	7,921,207	8,557,803	9,707,090	11,270,555	11,258,439	11,267,014
REVERSIONS						
UNSPENT BALANCE			400,150			
TOTAL DISPOSITION OF RESOURCES	\$ 7,921,207	\$ 8,557,803	\$ 8,000,732	\$ 11,270,555	\$ 11,258,439	\$ 11,267,014

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NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPT. OPS.
94001542072 8000
FISH AND WILDLIFE DIVISION

STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL
ORGANIZATION - BUDGET COMPARISON

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
F&G-DNR ADMIN EXPENSES	\$	\$	16,344,172	17,371,490	\$ 17,626,546	\$ 17,623,916
RECEIPTS			242,600			
INTRA STATE RECEIPTS	181,472	215,541	19,208,418	229,154	225,959	225,959
TRANSFERS						
F&G-DNR LAW ENFORCEMENT BUR	4,872,379	5,182,606				
F&G-DNR FISHERIES BUR APPRO	4,431,665	4,601,332				
F&G-DNR WILDLIFE BUREAU APP	4,838,389	4,817,793				
F&G-DNR F&W DIVISION MGMT	242,427	456,093				
TOTAL RESOURCES	\$ 14,566,332	\$ 15,273,365	\$ 17,600,644	\$ 17,600,644	\$ 17,852,445	\$ 17,849,855
FTE POSITIONS	320.94	316.67	322.53	338.93	338.93	338.93
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 10,881,365	\$ 10,832,664	\$ 12,229,187	\$ 12,328,052	\$ 12,229,055	\$ 12,227,265
PERSONAL TRAVEL IN STATE	336,013	326,011	339,787	333,170	333,170	333,170
STATE VEHICLE OPERATION	444,106	493,174	480,743	464,956	464,956	464,956
DEPRECIATION	665,088	696,270	686,465	727,480	727,480	727,480
PERSONAL TRAVEL OUT OF STATE	213,723	19,549	34,384	29,480	29,480	29,480
OFFICE SUPPLIES	242,848	245,328	289,598	299,110	299,110	299,110
FACILITY MAINTENANCE SUPPLIE	356,421	363,548	356,547	475,227	525,227	525,227
EQUIPMENT MAINTENANCE SUPPLI	226,164	270,637	248,777	334,456	394,456	394,456
AG. CONSERVATION & MORT SUPP	93,630	125,593	114,420	54,875	594,875	594,875
OTHER SUPPLIES	86,812	82,556	114,107	96,607	96,607	96,607
PRINTING & BINDING	54,019	124,129	184,798	191,666	241,666	241,666
UNIFORMS & RELATED ITEMS	172,567	47,371	55,956	133,275	133,275	133,275
COMMUNICATIONS	45,555	208,011	289,224	188,950	188,950	188,950
RENTALS	205,183	207,343	218,500	66,035	66,035	66,035
UTILITIES	128,750	113,547	109,642	214,716	214,716	214,716
PROF & SCIENTIFIC SERVICES	99,564	150,770	122,524	334,800	334,800	334,800
OUTSIDE SERVICES	20,039	2,644	25,477	121,912	121,912	121,912
ADVERTISING & PUBLICITY	50,501	49,191	62,469	23,000	23,000	23,000
DATA PROCESSING	151,905	164,586	60,353	53,200	53,200	53,200
REIMB. TO OTHER AGENCIES	170,699	266,156	458,962	158,450	158,450	158,450
EQUIPMENT	1,213	204,428	1,649	682,039	782,039	782,039
OTHER EXPENSE & OBLIGATIONS			6,572	600	600	600
HEALTH INSURANCE PREMIUMS			5,158			
BACK PAY INTEREST						
LICENSES	275	65	575	300	500	300
EXPENDITURES SUBTOTAL	14,566,332	15,273,365	16,636,772	17,600,644	17,852,445	17,849,855

NATURAL RESOURCES, DEPARTMENT OF
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NATURAL RESOURCES DEPT. OPS.
94001542072 8000
FISH AND WILDLIFE DIVISION

STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL
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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
UNSPENT BALANCE			-2,521,446			
TOTAL DISPOSITION OF RESOURCES	\$ 14,566,332	\$ 15,273,365	\$ 19,208,418	\$ 17,600,644	\$ 17,852,445	\$ 17,849,855

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NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPT. OPS.

94001542072 9000
WASTE MANAGEMENT ASSISTANCE

STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL
ORGANIZATION - BUDGET COMPARISON

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
CMF-HOUSEHOLD HAZ WASTE-DNR	\$ 92,750	\$ 91,774	\$ 182,664	\$ 192,920	\$ 195,933	\$ 195,933
CMF-GWTR MONITORING-DNR	305,851	334,380	464,957	419,451	420,873	421,572
CMF-WASTE MGMT AUTH.-DNR	64,680					
CMF-LANDFILL ALTERNATIVES-DNR	74,365	20,530	187,578	90,171	97,707	97,707
WASTE REDUCTION & ASSISTANCE				101,650	102,097	105,056
APPROPRIATIONS SUBTOTAL	537,646	446,684	735,199	812,200	815,510	816,268
RECEIPTS						
FEDERAL SUPPORT	189,470	227,726	227,726	119,864	119,864	119,864
INTRA STATE RECEIPTS				169,756	170,648	170,648
RECEIPTS SUBTOTAL	189,470	227,726	227,726	289,620	290,512	290,512
TOTAL RESOURCES	\$ 727,116	\$ 674,410	\$ 962,925	\$ 1,101,820	\$ 1,106,022	\$ 1,106,780
FTE POSITIONS	12.40	10.31	15.71	16.75	16.75	16.75
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	\$ 469,067	\$ 412,615	\$ 653,917	\$ 716,525	\$ 720,719	\$ 721,477
PERSONAL TRAVEL IN STATE	35,830	38,255	25,637	20,200	20,200	20,200
STATE VEHICLE OPERATION			10			
PERSONAL TRAVEL OUT OF STATE		6,733	12,799	47,270	47,270	47,270
OFFICE SUPPLIES	4,310	4,846	9,503	6,679	6,679	6,679
FACILITY MAINTENANCE SUPPLIES			753			
EQUIPMENT MAINTENANCE SUPPLIES	300	1,435	499	950	950	950
OTHER SUPPLIES	35,470	7,993	8,234	10,050	10,050	10,050
PRINTING & BINDING	54,690	17,611	20,750	81,794	81,794	81,794
COMMUNICATIONS	100	15,749	21,897	20,660	20,660	20,660
PROF & SCIENTIFIC SERVICES	87,021	122,197	153,270	143,190	143,190	143,190
OUTSIDE SERVICES	5,047	2,807	12,195	9,140	9,140	9,140
DATA PROCESSING	3,537	6,103	5,795	5,020	5,020	5,020
REIMB. TO OTHER AGENCIES	16,130	15,229	20,407	16,950	16,950	16,950
EQUIPMENT	15,526	28,320	26,721	2,200	2,200	2,200
OTHER EXPENSE & OBLIGATIONS		4,510	4,985	5,200	5,200	5,200
BACK PAY INTEREST			76			
EXPENDITURES SUBTOTAL	727,116	674,411	977,448	1,101,820	1,106,022	1,106,780

NATURAL RESOURCES, DEPARTMENT OF
NATURAL RESOURCES
NATURAL RESOURCES DEPT. OPS.

94001542072 9000
WASTE MANAGEMENT ASSISTANCE

STATE OF IOWA
DEPARTMENT OF MANAGEMENT
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL
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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
REVERSIONS						
UNSPENT BALANCE			250,001			
TOTAL DISPOSITION OF RESOURCES	\$ 727,116	\$ 674,411	\$ 977,447	\$ 1,101,820	\$ 1,106,022	\$ 1,106,780

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GROUNDWATER PROTECTION FUND	FY93 ACTUAL	FY94 BUDGET	FY95 BUDGET	FY96 BUDGET
STORAGE TANK ACCOUNT				
STORAGE TANK PROGRAM ADMINISTRATION	91721	141070	138782	138782
DEPT OF HEALTH TRANSFER	1000	1000	1000	1000
INSURANCE FUND TRANSFER	509869	511654	512050	512050
TOTAL	602590	653724	651832	651832
OIL OVERCHARGE ACCOUNT				
BIG SPRINGS STUDY	335028	229203	228561	85353
DNR GENERAL GROUNDWATER	214016	25000	0	0
LANDFILL ALTERNATIVES	18037	0	0	0
ABANDONED WELL EDUCATION TRANSFER	71819	35460	0	0
AG ENERGY MANAGEMENT TRANSFER	579988	249747	0	0
IUSVRI TRANSFER	0	756	0	0
TOTAL	1218888	540166	228561	85353
HOUSEHOLD HAZARDOUS WASTE ACCOUNT				
TOXIC WASTE CLEANUP DAYS	231903	1252278	137499	137499
HOUSEHOLD HAZARDOUS WASTE ADMIN.	203190	214328	215501	215501
DEPT OF HEALTH TRANSFER	2000	2000	2000	2000
TOTAL	437093	1468606	355000	355000
AGRICULTURE MANAGEMENT ACCOUNT				
DEPT OF HEALTH TRANSFER	9000	9000	9000	9000
HEALTH CENTER TRANSFER (CNEEC)	294995	298265	296190	296190
LEOPOLD CENTER TRANSFER	1147204	1159918	1151850	1151850
UNIVERSITY HYGIENIC LAB TRANSFER	196663	198344	197460	197460
COUNTY GRANTS ADMINISTRATION (DNR)	45766	40839	40545	40545
COUNTY GRANTS 17.5% WELL TESTING	460804	1480816	575925	575925
COUNTY GRANTS 17.5% WELL ABANDONMENT	523604	1310237	575925	575925
COUNTY CONSERVATION BOARD CONTRACTS	0	15109	0	0
AG DRAINAGE WELL/SINKHOLE TRANSFER	426104	430827	427830	427830
TOTAL	3104140	4943856	3274725	3274725
SOLID WASTE ACCOUNT				
SOLID WASTE PROGRAM ADMINISTRATION	1283622	1443864	1444871	1444871
DEPT OF HEALTH TRANSFER	8000	8000	8000	8000
IOWA WASTE REDUCTION CENTER TRANSFER	390466	431819	431818	431818
LANDFILL ALTERNATIVES	2862366	6585927	3022727	3022727
SANITARY DISPOSAL GRANTS	0	3475	0	0
REGIONAL COUNCIL WASTE EXCHANGE GRANTS	211737	288868	172727	172727
HHW PERMANENT COLLECTION SITES	285000	490084	259091	259091
HHW COLLECTION AND TRANSPORTATION	0	258361	86364	86364
TOXIC WASTE CLEANUP DAYS	240421	405483	215909	215909
RECYCLING USER LOAN PROGRAM	215000	730988	0	0
DEPT OF ECONOMIC DEVELOPMENT TRANSFER	95000	113361	86364	86364
WASTE REDUCTION/ASSISTANCE PROGRAM (DNR)		114841	116289	110753
TOTAL	5591612	10875071	5844160	5838624
TOTAL GROUND WATER FUND	10954324	18481423	10354278	10205534

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Mr. Kuhn gave a detailed explanation of the budget.

Discussion followed regarding the difference between full time equivalent employees and full time positions; Household Hazardous Waste fund increase; estimated amount for field office rentals; the floodplain program; and funding for SWA program.

Motion was made by Charlotte Mohr to approve the FY95/96 Budget Request as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

Donald Lammers (protected streams rule)

Donald Lammers, farmer from Graettinger, addressed the Commission expressing opposition to the protected streams rule. He related that he protests the takeover of private property as the landowner owns the land under the river.

Harold Brown (protected streams rule)

Harold Brown, farmer from Warren County, addressed the Commission commenting about freedom and the taking of individuals rights. He related that if a government agency takes control of an additional 131 rivers and streams it would mean a loss of control of one's own property. He urged the Commission to oppose the protected streams rule.

Martin Lamberti (protected streams rule)

Martin Lamberti, representing Iowans For Better Fisheries, addressed the Commission speaking in support of the floodplain development rules for additions to the protected streams list. He stated that channelization increases runoff and current speed resulting in erosion and flooding. He related that every effort must be made to preserve the state's streams and the habitat of sports fish and furbearing wildlife. In closing, Mr. Lamberti encouraged the Commission to approve the changes made in Chapter 72 rules.

Paul Willis (protected streams rule)

Paul Willis, farmer and Regional Director of the Iowa Wildlife Federation, addressed the Commission speaking in favor of the protected streams rule. He noted that the preservation of meandering streams is part of the prairie system which reduces impact and soil erosion. Mr. Willis related that the inclusion of a buffer zone of 10 feet would enhance the quality of the streams. He encouraged the Commission to support the protected streams rule.

FINAL RULE--CHAPTER 101, GENERAL REQUIREMENTS RELATING TO SOLID WASTE DISPOSAL

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed rule revision relating to requirements of Solid Waste Comprehensive Plans, Part 1 to replace the waste abatement table in Appendix C of the "Guidelines for Solid Waste Comprehensive Plans, Part 1: Solid Waste Management Alternatives," with a revised Solid Waste Abatement Table.

The proposed rule revision:

- Describes the revised waste abatement table to be used to chart the amounts of waste that have been diverted from landfilling through the practice of waste volume reduction at the source and through recycling since the 1988 baseline year.

- The revised table does not require additional data, simplifies the original table, clears up some discrepancies in the original table and assesses waste reduction / recycling progress in a way that is consistent with legislation and administrative rule.

- The revised table is formatted to provide the means for progress assessment through the completion of per capita solid waste generation rates for the 1988 baseline year and for each subsequent year. This computation is based upon the population and amount of solid waste generated for a given year within a defined planning area. By comparing each subsequent year to the baseline year, using the methodology described in the revision, the table will demonstrate a planning area's progress toward meeting the state volume reduction and recycling goals on a per capita basis.

- The original Waste Reduction and Analysis Table in Appendix C is no longer required. In its place a narrative discussion of waste reduction and recycling will be required, as explained in the revision.

Notice of Intended Action was published in IAB on August 18, 1993, as ARC 4205A. The Notice of Intended Action stated that any interested person may make written suggestions or comments on the amendment proposed in this Notice of Intended Action prior to September 14, 1993. A public hearing was held for the purpose of receiving written and oral comments on the proposed rule revision. This hearing was held September 14, 1993, at 1:30 p.m. at the Wallace State Office Building, 5th Floor East Conference Room, 900 East Grand Avenue, Des Moines, Iowa.

Following the public hearing a request was received from the public to extend the public comment period to October 15, 1993. Extension was granted and a written comment letter was received by the Department on October 14, 1993. The comments contained therein are addressed in responsiveness summary.

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Four participants were present at the September 14 hearing. Oral Comments were taped. Three written comments were submitted. The public participation responsiveness summary for the proposed rule revision is attached.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B. 304 and 455D.7, the Environmental Protection Commission amends Chapter 101, "General Requirements Relating to Solid Waste Management and Disposal, " Iowa Administrative Code.

The amendment, replaces the waste abatement table in Appendix C of "Guidelines for Solid Waste Comprehensive Plans, Part 1 : Solid Waste Management Alternatives, " with a revised Solid Waste Abatement Table.

Notice of Intended Action was published in the August 18, 1993, Iowa Administrative Bulletin as ARC 4205A. Four participants were present at the September 14, 1993 hearing. Written and oral comments were submitted.

There are no changes as a result of the public hearing. The changes from the Notice of Intended Action are the year of revision for Appendix C and the reference date for the document which was originally mislabeled.

This amendment is intended to implement Iowa Code Sections 455B.304 and 455B.306 and Iowa Code Chapter 455D.

This amendment will become effective February 23, 1994.

The following amendment is adopted.

Amend subrule 101.5(4), last unnumbered paragraph, as follows:

A guidance document describing in more detail the content of a comprehensive plan, part 1, is available from the record center of the Department at (515)281-8860.

The Document title is "Guidelines for Solid Waste Comprehensive Plans, Part 1 : Solid Waste Management Alternatives" July 1, 1990, September 1990, as revised (October 15, 1992).

Larry J. Wilson, Director

Date

(A copy of the Responsiveness Summary is on file in the department's Record's Center)

Ms. Hay reviewed details of the rule noting that the revised waste abatement table makes things simpler, clears up some conflicting items in the original table, and provides a better methodology for assessing whether planning areas are meeting the state reduction recycling goals.

William Ehm asked if it would be necessary to penalize generators for not meeting the 25-50% waste reduction goals and whether the department has authority to do so.

Ms. Hay responded that the department does not have the authority to do that but she would not be surprised if they do so in the future. She added that there are no definite proposals in regard to penalties at this time.

Rozanne King asked when the report on this program will be presented to the legislature.

Ms. Hay stated that to compile a report with accurate figures it will be close to 1997 because of the comprehensive plans coming in on a staggered basis. She related that staff are working on early estimates of how planning areas are progressing toward meeting the goals.

Discussion followed regarding actual waste reduction, regional boundaries, and landfills taking waste out of state.

Motion was made by William Ehm to approve Final Rule--Chapter 101, General Requirements Relating to Solid Waste Disposal. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 209, LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the attached Notice of Intended Action to rescind Chapter 209, Iowa Administrative Code and adopt in lieu thereof, a new Chapter 209, "Landfill Alternatives Financial Assistance Program." The revised Chapter 209 provides rule guidelines for financial assistance to applicants for solid waste management projects representing waste reduction and alternatives to landfilling.

This program restructuring was in response to the evolution of waste reduction, recycling, and other landfill diversion activities occurring across the state. The Department established an advisory committee made up of individuals representing the Environmental Protection Commission, counties, municipalities, business and industry, regional councils, and solid waste management associations. The advisory committee met twice to offer input on how the existing Landfill Alternatives Grant Program could best reflect today's solid waste management issues and market development of recycled materials.

A new application form and application booklet will be developed to reflect the changes in Chapter 209. It is anticipated that the new program will be effective in time for the December 1994 application deadline.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
NOTICE OF INTENDED ACTION**

Pursuant to the authority of Iowa code section 455E.11, the Environmental Protection Commission hereby gives Notice of Intended Action to rescind Chapter 209 and to adopt in lieu thereof a new Chapter 209, "Landfill Alternatives Financial Assistance Program," Iowa Administrative Code.

This new Chapter 209 provides rule guidelines for financial assistance to applicants for solid waste management projects representing alternatives to landfilling.

Any interested person may submit written comments on the rules proposed in this notice of Intended Action prior to February 9, 1994. Written comments should be directed to Thomas Anderson, Waste Management Assistance Division, Department of Natural Resources, Wallace State Office Building, East 9th and Grand Avenue, Des Moines, Iowa 50319-0034; FAX (515)281-8895.

A public hearing will be held February 9, 1994, from 1:00 p.m. to 4:30 p.m. in the Fifth Floor Conference Rooms of the Wallace State Office Building, East 9th and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the public hearing, persons will be requested to provide their names and addresses for the record, and to confine their comments to the subject of the proposed rule.

These rules are intended to implement Iowa code section 455E.11.

Rescind 567--Chapter 209 and insert in lieu thereof the following new chapter.

CHAPTER 209

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM

567--209.1(455B, 455E) Goal. The goal of this program is to reduce the amount of solid waste being generated and the amount of solid waste being landfilled through implementation of solid

waste management projects. This goal will be achieved utilizing the following hierarchy of waste management priorities in descending order of preference:

1. Waste reduction;
2. Recycling and reuse;
3. Combustion with energy recovery; and
4. Combustion for volume reduction.

567--209.2(455B,455E) Purpose. The purpose of this program is to provide financial assistance to eligible applicants for the purpose of implementing education programs and solid waste management projects, to achieve a reduction in solid waste generation and a reduction in solid waste landfilling. Projects receiving financial assistance must address the program's goal as described in 209.1.

567--209.3(455B,455E) Definitions.

"Applicant" means any unit of local government, public or private group, business or individual with an interest in or having responsibility for solid waste management in Iowa and is currently in compliance with all applicable Department statutes and regulations.

"Cost-share" means applicant's share of proposed eligible project costs.

"Demonstration Project" means any project that is innovative or new to the state of Iowa.

"Department" means the Iowa department of natural resources.

"Eligible costs" means costs directly related to the project and for which financial assistance moneys may be used.

"Eligible projects" means any project which when implemented, will address a reduction in the amount of solid waste being generated or the amount of solid waste being landfilled.

"Energy recovery" means the direct conversion of solid wastes into useful process heat or electricity

"Financial assistance" means monetary assistance awarded under these rules to an applicant in the form of grants or loans.

"Grants" mean financial assistance in the form of cash payments to recipients.

"Groundwater protection act" means 1987 Iowa Acts, chapter 225, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of solid wastes at landfills and provides financial assistance for this protection.

"Indirect costs" means costs that are not identifiable with a specific product, function, or activity.

"Loans" means an award of financial assistance with the requirement that the award be repaid.

"Overhead costs" means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities, insurance, and rent.

"Recipient" means any applicant selected to receive financial assistance under these rules.

"Regionalization" means a project that involves two or more units of local government or public or private groups with an interest in or having responsibility for solid waste management in Iowa and through the cooperative provision of alternative solid waste management services, the project's impact will have a positive influence on such factors as, including but not limited to, operational efficiency, materials diversion, and population served.

"Sanitary landfill" means a permitted disposal site where solid waste is buried between layers of earth.

"Waste management assistance" means the waste management assistance division of the department of natural resources established by 455B.483.

"Waste reduction" means practices which reduce, avoid, or eliminate the generation of solid waste at the source and not merely the shifting of a waste stream from one medium to another medium.

567--209.4(455B,455E) Role of the department of natural resources. The department is responsible for the administration of funds for projects receiving financial assistance under these rules. The department will assure that funds disbursed meet guidelines established by the groundwater protection Act and the waste management authority Act.

567--209.5(455B,455E) Funding sources. The department will use funds appropriated by the legislature and other sources that may be obtained for the purpose of achieving the goals outlined in these rules. The department will ensure that moneys appropriated meet both federal and state guidelines pertaining to their use.

567--209.6(455B,455E) Eligible projects. The department may provide financial assistance to applicants for the following types of projects that are consistent with the goal and purpose of this program:

1. Public education;
2. Waste reduction;
3. Recycling and reuse;
4. Research and development;
5. Demonstration;
6. Market development for recyclable materials;
7. Projects that manufacture products with recycled content.
8. Environmental testing related to various landfill alternatives for solid waste. Such projects shall include, but are not limited to, testing air emissions generated by the combustion of municipal solid waste, analysis of the ash generated as a result of the combustion of municipal solid waste, analysis of alternative materials to be used in leachate control.
9. Production of energy through combustion, including production of tire-derived fuels and refuse-derived fuels; and
10. Combustion for volume reduction;

567-209.7(455B,455E) Type of financial assistance. The type of financial assistance offered to an applicant is dependent on the type of project and application submitted:

1. Grants will be offered to applicants for waste reduction projects; public education projects; research and development projects; and demonstration projects that are innovative or new to the state of Iowa.
2. Loans will be offered to applicants for all other eligible projects.

567--209.8(455B,455E) Loans. The term of all loans, executed under these rules, shall vary on a case by case basis and shall be based on the specific capital costs financed, as well as the terms of other financing provided for the project. The written agreement will establish other conditions or terms needed to manage or implement the project.

567--209.9(455B,455E) Reduced award. The department reserves the right to offer financial assistance in an amount less than that requested by the applicant. In the event that financial assistance is offered that is less than the amount requested by an applicant, the applicant may be asked to document the impact on the proposed project. Reduced awards shall be offered where it has been determined by the department that:

1. Program resources are insufficient to provide the level of financial assistance requested to all applicants to which the department intends to offer financial assistance.
2. The department has determined that the applicant could implement the project at a reduced level of financial assistance and achieve project objectives and this program's goals.

567--209.10(455B,455E) Fund disbursement limitations. No funds shall be dispersed until the department has:

1. Determined the total estimated cost of the project;
2. Determined that financing for the cost share amount is secured by the recipient;
3. The recipient has submitted final design plans, if applicable;
4. Received commitments from the recipient to implement the project; and
5. Executed a written agreement with the recipient.
6. Determined that the recipient is currently in compliance with all applicable federal, state, and local statutes and regulations.

567--209.11(455B,455E) Minimum applicant cost share. An applicant for financial assistance shall agree to provide a minimum cost share of funds committed to the project. Financial assistance moneys received by the applicant under these rules or through the Landfill Alternatives Grant Program, are ineligible to be utilized for any portion of the required applicant cost share. Minimum cost share of funds shall be in accordance with the following schedule:

1. Grants
 - a. waste reduction--35%
 - b. public education--35%
 - c. research and development--35%
 - d. demonstration--35%
2. Loans
 - a. recycling and reuse--35%
 - b. combustion with energy recovery--50%
 - c. combustion for volume reduction--60%

567-209.12(455B,455E) Eligible costs. Applicants may request financial assistance in the implementation and operation of a project which includes, but is not limited to, funds for the purpose of:

1. Waste reduction equipment purchase and installation;
2. Collection, processing, or hauling equipment including labor for installation;
3. Development and distribution of educational materials;
4. Planning and implementation of educational forums including, but not limited to, workshops;
5. Materials and labor for construction or renovation of buildings;

6. Salaries directly related to implementation and operation of the project;
7. Laboratory analysis costs; and
8. Engineering or consulting fees;

567-209.13(455B,455E) Ineligible costs. Financial assistance shall not be provided or used for costs including, but not limited to, the following:

1. Taxes;
2. Vehicle registration;
3. Overhead expenses;
4. Indirect costs;
5. Legal costs;
6. Contingency funds;
7. Application preparation;
8. Contractual project administration;
9. Land acquisition;
10. Costs for which payment has or will be received under another federal, state or private financial assistance program; and
11. Costs incurred before a written agreement has been executed between the applicant and the department.

567-209.14(455B,455E) Selection criteria. To receive consideration under these rules, applications submitted to the Department for financial assistance must be provided to the agency responsible for submitting an approved solid waste comprehensive plan or subsequent plan for agency review and comment. Responsible agency review and comments are required from the area in which the proposed project is located or the area or areas in which the proposed project will be implemented.

Separate selection criteria and separate application forms will be used to evaluate projects. The separate selection criteria are identified below for the four applications: education projects; waste volume reduction projects; research and development and demonstration projects; and projects eligible for loans as identified in 209.13.2. For each application type, points assigned to the selection criteria total 100 points. The Department shall evaluate applications and applicants will be awarded financial assistance based on the following selection criteria:

209.14(1) Education Project Selection Criteria

- a. Project Planning, Experience, and Commitment. Previous planning efforts, experience of involved parties, other public education programs implemented or proposed, and commitment toward continuing the project after the grant (5 points);
- b. Project Compatibility and Support. Documented consistency with local and regional solid waste comprehensive plans, responsible agency review and comment forms correctly completed and received, compatibility with existing and proposed solid waste management programs, the degree to which the proposed project reflects the state solid waste management hierarchy, and documented project support (20 points);

c. Project Effectiveness. Project content, target audience representation, implementation methodology, project cost effectiveness, and project uniqueness within the proposed project area (35 points);

d. Project Impact. Long and short-term goals, impact on solid waste generation and materials recovery, regionalization impact of the project, detailed discussion of project transferability, the method or methods proposed to disseminate information resulting from the project, and impact on existing solid waste management programs (30 points);

e. Project Evaluation. Methodology to determine project success in achieving goals and objectives (10 points).

209.14(2) Waste Reduction Project Selection Criteria

a. Project Planning, Experience, and Commitment. Experience of involved parties in the planning and implementation of the proposed project, other waste reduction measures implemented or proposed by the applicant, and the extent to which the proposed project will continue after the grant (5 points);

b. Project Compatibility and Support. Documented consistency with local and regional solid waste comprehensive plans, responsible agency review and comment forms correctly completed and received, compatibility with existing and proposed solid waste management programs, the degree to which the proposed project reflects the state solid waste management hierarchy, and documented project support (20 points);

c. Project Impact. Impact on solid waste generation and solid waste landfilling, regionalization impact of the project, impact on existing solid waste management programs, impact on applicant and comprehensive planning area solid waste stream, and how soon the solid waste stream will be impacted (30 points);

d. Project Effectiveness. Implementation methodology, project cost effectiveness, and project uniqueness within the state (20 points);

e. Project Evaluation. Methodology of determining project success in achieving identified goals and objectives (10 points);

f. Technical and Economic Feasibility and Transferability. Describe the technological and economic feasibility of the proposed project, detailed discussion of project transferability, and the method or methods proposed to disseminate information resulting from the project (15 points).

209.14(3) Research and Development and Demonstration Project Selection Criteria

a. Project Planning, Experience, and Commitment. Experience of involved parties in the planning and implementation of the proposed project and the extent to which the proposed project will continue after the grant (15 points);

b. Project Compatibility and Support. Documented consistency with local and regional solid waste comprehensive plans, responsible agency review and comment forms correctly completed and received, compatibility with existing and proposed solid waste management programs, the degree to which the proposed project reflects the state solid waste management hierarchy, and documented project support (15 points);

c. Project Impact. Describe the impact on applicant and comprehensive planning area solid waste recovery and/or landfill diversion, regionalization impact of the project, the solid waste stream components affected, the potential for new market development, the impact on existing

solid waste management programs and facilities, and how soon the solid waste stream will be impacted (30 points);

d. Project Evaluation. Methodology of determining project success in achieving identified goals and objectives (10 points);

e. Technical and Economic Feasibility and Project Transferability. Describe the technological and economic feasibility of the proposed project, detailed discussion of project transferability, and the method or methods proposed to disseminate information resulting from the project (30 points).

209.14(4) Loan Project Selection Criteria

a. Project Planning, Experience, and Commitment. Experience of involved parties in the planning and implementation of the proposed project and the extent to which the proposed project will continue after the grant (5 points);

b. Project Compatibility and Support. Documented consistency with local and regional solid waste comprehensive plans, responsible agency review and comment forms correctly completed and received, compatibility with existing and proposed solid waste management programs, the degree to which the proposed project reflects the state solid waste management hierarchy, and documented project support (20 points);

c. Project Impact. Describe the impact on applicant and comprehensive planning area solid waste recovery and/or landfill diversion, regionalization impact of the project, the solid waste stream components affected, the potential for new market development and the impact on existing solid waste management programs and facilities, and how soon the solid waste stream will be impacted (30 points);

d. Project Evaluation. Methodology of determining project success in achieving identified goals and objectives (10 points);

e. Technical and Economic Feasibility and Transferability. Describe the technological and economic feasibility of the proposed project detailed discussion of project transferability, and the method or methods proposed to disseminate information resulting from the project (20 points);

f. Applicant's Ability to Repay. Documented ability to repay the loan (15 points).

567--209.15(455B,455E) Written agreement. Recipients shall enter into a contract with the department for the purposes of implementing the project for which financial assistance has been awarded. The contract shall be signed by the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient. In cases where the Department has awarded a loan, the recipient will be required to make regularly scheduled installment payments to retire the loan as identified in the executed contract. The recipient will be required to submit periodic progress reports as identified in the executed contract. Progress reports are considered part of the public record. The department may terminate any contract and seek the return of any funds released under the contract for failure by the recipient to perform under the terms and conditions of the contract. Amendments to contracts may be adopted by written consent of the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient.

567--209.16(455B,455E) Applications. Applicants shall submit applications on forms provided by the Department. Applications will be due the first Monday in June and the first Monday in

December each year at 4:30 p.m., unless otherwise designated by the waste management assistance division. Applications received by the waste management assistance division after the stated deadline will not be considered for funding during the current funding period, will not be retained for future consideration, and will not be returned to the applicant. It is the applicant's responsibility to resubmit a completed application for funding consideration during a subsequent funding period. Applications must be submitted on forms supplied by the department and applications submitted are considered part of the public record.

567--209.17(455B,455E) Financial assistance denial. An applicant may be denied financial assistance for any of the following reasons:

1. Funds are insufficient to award financial assistance to all qualified applicants;
2. An applicant may not be eligible to receive financial assistance if the area in which the proposed project is located or the area or areas in which the proposed project will be implemented does not have an approved solid waste comprehensive plan, or if the area in which the proposed project is located or if the area or areas in which the proposed project will be implemented have not submitted a subsequent solid waste comprehensive plan by the assigned deadline, or if the area in which the proposed project is located or the area or areas in which the proposed project will be implemented has a landfill which is not legally permitted;
3. An applicant does not meet the definition of "Applicant", as defined in 209.3;
4. An applicant does not meet eligibility requirements pursuant to provisions of rules 209.8(455B,455E) to 209.14(455B,455E);
5. An applicant does not provide sufficient information requested in the application forms pursuant to rules 209.8(455B,455E) to 209.14(455B,455E);
6. An applicant that has previously received a loan under these rules and is determined, by the Department, to be delinquent in repaying the loan; and
7. The project goals or scope is not consistent with rules 209.1(455B,455E), 209.2(455B,455E), 209.8(455B,455E), 209.9 (455B,455E), 209.13(455B,455E).

These rules are intended to implement Iowa Code sections 455B.301A and 455E.11.

Larry J. Wilson, Director

Date

Ms. Hay stated that an advisory committee was established to review and revise the Landfill Alternatives Grant Program. She related that they have developed the revised rules to cover a broader financial assistance program that would encompass both loans and grants. She related that considering the length of the Administrative Rules process it will be the December 1994 round when the new rules take effect. There will be two more rounds of grants under the old rules.

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Chairperson Hartsuck commented that he attended one of the advisory committee meetings and thought it was very constructive and the revised rules incorporate much of the thinking of the people who attended that meeting.

William Ehm asked why the third level of the hierarchy, pertaining to recycling and reuse, was left out of the cost share requirements for grants.

Ms. Hay stated that both types of projects would be eligible for loans but it was felt that there should be a move to support more market development for recyclable materials.

Discussion centered on concern that an applicant be in compliance before being eligible to apply for a grant/loan, and whether an applicant would be willing to accept a loan if a grant was not available.

Director Wilson suggested adding a question box on the application asking if an applicant is unsuccessful for a grant if they would like to be considered for a loan.

Ms. Hay noted that she will make that addition to the application.

Clark Yeager noted that he would like to see an addition to the application requiring that an applicant be in compliance in order to be eligible for a grant.

Ms. Hay stated that the advisory committee felt it was not necessary to include that requirement in the rules but it will be included in the application packet.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 209, Landfill Alternatives Assistance Program. Seconded by Nancylee Siebenmann. Motion carried unanimously

Discussion followed regarding landfills who send waste out of state and do not pay into the fund.

APPROVED AS PRESENTED

LOW LEVEL RADIOACTIVE WASTE COMPACT UPDATE

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Progress on the low-level radioactive waste disposal front continues to inch forward in several arenas. Most significant for our compact is that negotiations on the compact amendments, conducted over the past two years with Ohio, have culminated in approval by the Commission of a final set of amendments. The amendments are expected to be introduced in the Ohio General Assembly in December, 1993, with possible adoption in the spring of 1994. In order to become

effective, the other five member states must adopt the amendments in identical form and they must be approved by Congress.

A draft of the amendments was released for public review in late June with sixty days provided for public comment. A variety of comments were received from private citizens, environmental groups and industry interests. The final version of the amendments approved by the Commission on November 29 reflected changes made as a result of those comments and additional concerns raised by Ohio or the Commission.

Ohio's Governor Voinovich continues to express support for fulfilling Ohio's obligation to site the compact's first low-level radioactive waste disposal facility. In October of 1992, Governor Voinovich appointed a Blue Ribbon Commission on Siting Criteria. The Commission, comprised of representatives of a variety of interests, held twelve public hearing throughout Ohio and culminated their work in September of this year by issuing a report on siting criteria and development requirements for a regional disposal facility in Ohio.

The Midwest Compact continues to have contractual access to the Barnwell, South Carolina disposal facility. This continued access has been due in part to an adequate showing of progress on the part of our compact through periodic submissions of documentation regarding compact activities. The latest submission includes an updated schedule developed by Ohio that shows operation of a regional disposal facility 7.25 years after enactment of enabling legislation and an expectation of the Midwest Compact that enabling legislation will be enacted in Ohio by spring, 1994.

In other actions around the country, a new compact has been formed by the states of Texas, Maine and Vermont. This is the tenth compact in the country and brings to 45 the number of states included in a compact. In California, the state has approved the license application for operation of the disposal facility. If successful, this would be the first new facility to be licensed in the country. The state had tentatively reached agreement with the Department of the Interior for transfer of title from the federal government to the state the federal property that has been selected as the disposal facility site. However, new lawsuits and intervention by a U.S. Senator from California has imposed fresh delays in the process.

In Nebraska, host state for the Central States Compact, the state has withdrawn its intention to deny the facility license application. This clears the way for further development activity in Nebraska which has effectively been on hold since last year. Finally, in North Carolina, both of the sites under consideration for a regional disposal facility have been determined to meet all licensing requirements. North Carolina is expected to select one site and proceed with development in early December.

Ms. Hay distributed copies of a summary of final amendments to the Midwest Compact which were approved November 29, 1993. The amendments in the primary areas are listed as follows: 1) Establish a Remedial Action Fund; 2) Establish a Long -Term Care Fund in Ohio and each subsequent state that hosts a disposal facility; 3) Require that waste generators pay all of the costs associated with waste disposal; 4) Hold waste generators accountable in the unlikely event

that any liability is ever incurred; 5) Ensure that subsequent host states, after Ohio, proceed with the timely development of new disposal facilities; 6) Prevent Compact withdrawal by a state that has not fulfilled its disposal obligation; 7) Vest additional decision-making power in Ohio and subsequent host states; 8) Focus on the disposal of low-level radioactive waste; 9) Narrowly define low-level radioactive waste to preclude any federal expansion of Compact disposal responsibility; 10) Give Ohio and subsequent host states the option to accept "orphan" NARM waste; and 11) Provide a framework for review of Midwest Compact Commission decisions. She noted that many other changes were made but these were the primary areas of amendment. She expanded on the issues the Compact dealt with and noted that they are hoping for action by the Ohio legislature by Spring of 1994. Following adoption by the Ohio legislature, they would have to be adopted by all five of the other states in identical form, and subsequently would have to be approved by Congress. Ms. Hay stated that North Carolina has recently selected a site for their new disposal facility. She related that this site would open the door for the possibility of the South Carolina General Assembly to vote to continue to allow access to Barnwell beyond 1994, to accept other states waste.

Chairperson Hartsuck asked what this type of disposal facility looks like.

Ms. Hay gave a detailed description of a variety of methods that can be used for disposal of this type of waste. She focused on the trench method and a method whereby concrete floors and walls are constructed and the cap can be removed for waste retrieval.

William Ehm asked about the disposal of high level radioactive waste.

Ms. Hay replied that the federal government is responsible for disposal of all high level radioactive wastes.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

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IOWA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION RULEMAKING STATUS REPORT December 1, 1993

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 22 - Air Construction Permit Exemptions	6/21/93	7/07/93	8/02/93	8/23/93	*1/10/94	*1/18/94	*2/16/94	*3/23/94
2. Ch. 22 - Air Emission Source Operating Permits	9/20/93	10/13/93	11/09/93	11/12/93 11/16/93 11/17/93	12/20/93	*12/20/93	*1/10/94	*2/23/94
3. Ch. 22 - Non-Title V Operating Permits for Air Emissions	*1/18/94	*2/16/94	*3/ /94	*3/ /94	*4/10/93	*4/10/94	*5/11/94	*6/15/94
4. Ch. 50, 51 - Agricultural Drainage Well Permits	*1/18/94	*2/16/94	*3/ /94	*3/ /94	*4/10/94	*4/10/94	*5/11/94	*6/15/94
5. Ch. 72 - Flood Plain Development-Protected Streams	7/19/93	8/18/93	9/14/93	9/08/93 9/09/93 9/11/93 9/15/93	12/20/93	*12/20/93	*1/10/94	*2/23/94
6. Ch. 100, 103 - Solid Waste Rules	10/18/93	11/30/93	12/14/93	12/01/93	* 1/10/94	*1/10/94	*2/16/94	*3/23/94
7. Ch. 100, 111 - Landfill Financial Assurance	*1/18/94	*2/16/94	*3/ /94	*3/ /94	*4/10/94	*4/10/94	*5/11/94	*6/15/94
8. Ch. 101 - General Requirements Relating to SW Disposal	7/19/93	8/18/93	9/14/93	9/14/93	12/20/93	12/20/93	*1/10/94	*2/23/94
9. Ch. 108 - Beneficial Use of Foundry Sand	11/15/93	12/08/93	*1/ /94	*1/ /94	*2/21/94	*2/21/94	*3/16/94	*4/20/94
10. Ch. 131 - Notification of Hazardous Condition	9/20/93	10/13/93	11/09/93	*11/-/93	12/20/93	*12/20/93	*1/10/94	*2/23/94
11. Ch. 134 - Registration of Groundwater Professionals	*1/18/94	*2/16/94	*3/ /94	*3/ /94	*4/10/94	*4/10/94	*5/11/94	*6/15/94
12. Ch. 209 - Landfill Alternatives-Financial Assistance Program	12/20/93	*1/19/94	*2/ /94	*2/ /94	*3/21/94	*3/21/94	*4/13/94	*5/18/94

MONTHLY VARIANCE REPORT						
Month: November, 1993						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Chambers Construction Co.-Corydon	Air Quality		Rubbish Burning	Denied	11/19/93
2.	Sioux City Gateway Airport	Air Quality		Structures	Approved	11/19/93
3.	Soap Creek Bridge - Wapello County	Flood Plain	Wapello County Engineer	Freeboard	Approved	11/17/93
4.	City of Grinnell/AG Equipment	Wastewater Operations		Monitoring Frequency	Partial Approval	11/18/93

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TOPIC: Report of Hazardous Conditions

During the period November 1, 1993 through November 30, 1993, reports of 52 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
11/01/93 Polk	A valve leaked on a condenser unit filled with anhydrous ammonia. 200 pounds of ammonia were released in Des Moines at 1719 Grand Avenue. No injuries were reported.	Meadowgold Dairies 1719 Grand Avenue Des Moines, IA	The material dissipated, the system was shut down, and repairs were made on the equipment.
11/11/93 Scott	Debris on the interstate damaged the saddle tank on a semi near Bettendorf. 50 gallons of diesel fuel were spilled on the shoulder of the road. No surface waters were impacted by the spill.	Freymiller Trucking 3116 South Council St. Oklahoma City, OK	The Bettendorf Fire Department and IDOT responded. Sand was placed on the spill and then properly disposed.

Month	Substance						Mode			
	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	56(83)	37(54)	6(8)	13(21)	34(51)	0(0)	20(25)	0(2)	9(0)	2(5)
November	52(74)	31(46)	3(7)	15(21)	30(38)	3(1)	14(26)	0(0)	1(0)	4(9)
December										
January										
February										
March										
April										
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '93)

1	2	3	4	5	6
11	6	4	2	12	17

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of November 1, 1993 through November 30, 1993, the following number of releases from underground storage tanks were identified.

22 (5)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1992.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of November 1, 1993 through November 30, 1993, the following number of LUST cleanups were completed:

8 (646)

The number in parentheses represents the total number of LUST cleanups through November 30, 1993.

NUMBER OF LOW RISK SITES APPROVED

During the period of November 1, 1993 through November 30, 1993, the following number of low risk sites were approved:

24 (162)

The number in parentheses represents the total number of low risk LUST sites through November 30, 1993.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Steve Boomsma d/b/a Boomsma Eggs, Pella (5)	Air Quality	Open Burning	Order/Penalty	11/05/93
Marjorie Jarvis and Terry Strong, Council Bluffs (4)	Underground Tank	Closure Investigation	Referred to AG	11/15/93
Waterloo, City of (1)	Wastewater	Discharge Limits	Referred to AG	11/15/93
Quick Trip #553, Johnson Co. (6)	Wastewater	Monitoring/Reporting, Discharge Limits	Order/Penalty	11/18/93
Clarence, City of (6)	Wastewater	Discharge Limits	Order	11/18/93
Dexter, City of (6)	Wastewater	Discharge Limits	Order	11/18/93
Nichii Co. of America, Inc., Jefferson (4)	Air Quality	Construction Without Permit	Order/Penalty	11/18/93

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Young Radiator Co., Centerville (5)	Air Quality	Construction Without Permit	Order/Penalty	11/18/93
Watts Trucking Service of Nebraska, and Metro Consolidated, Council Bluffs (4)	Solid Waste Wastewater	Operational Violations	Order	11/22/93
Waverly Gravel & Ready Mix aka Shell Rock Sand & Gravel, Shell Rock (2)	Air Quality	Construction Without Permit	Order/Penalty	11/22/93
Pioneer Hi-Bred International, Algona (2)	Air Quality	Construction Without Permit	Order/Penalty	11/24/93
Lester D. Davis and Evelyn McKelvogue, Warren Co. (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	11/24/93
Envirobest, Inc., Sioux City (3)	Air Quality	Asbestos	Order/Penalty	11/29/93
Environmental Management Services of Iowa, Inc., Clinton (6)	Air Quality	Asbestos	Order/Penalty	11/29/93

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-24-93
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-06-93
Robert Bodwell (Winterset)	UT	300	7-07-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	400	11-20-93
Linden, City of	WS	500	11-24-93
Club Elvis (West Burlington)	WS	300	11-30-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Don Carlson d/b/a Carlson Oil Co. (Armstrong)	UT	800	12-14-93
VT Industries, Inc. (Holstein)	UT	768	12-14-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Douglas Owen d/b/a Campbell Clean-up Service (Maquoketa)	AQ/SW	1,000	12-30-93
Hanson's Marine, Inc. (Clear Lake)	AQ	1,020	1-23-94
QuikTrip #553 (Johnson Co.)	WW	900	1-23-94
Nichii Company of America, Inc. (Jefferson)	AQ	10,000	1-23-94
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000	1-24-94
Young Radiator Company (Centerville)	AQ	1,700	1-23-94
Steve Boomsma d/b/a Boomsma Eggs (Pella)	AQ	1,000	-----
Pioneer Hi-Bred International, Inc. (Algona)	AQ	2,500	-----
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000	-----
Environmental Mgmt. Services of Iowa, Inc. (Clinton)	AQ	500	-----
Envirobest, Inc. (Sioux City)	AQ	500	-----
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-23-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-27-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89

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Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald F. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Fregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	6-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	650	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Midway Water & Lighting (Marion)	WS	810	10-07-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Cloyd Foland	FP	800	12-07-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Don Grell d/b/a Dodge Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Clear Lake Stock Farms, Inc. (Osceola Co.)	SW	1,000	7-07-93
Carson Grain & Implement (Coggon)	UT	1,000	9-03-92

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
Linden, City of	WS	1,000
William H. Viner (Emerson)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Jonn Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
South High Point Well Assn. #1 (Iowa City)	WS	600
Case Power and Equipment (Decorah)	WS	500
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
Holnam Inc. (Hason City)	AQ	5,000
Henning Wood Products, Inc. (Winneshek Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Newton, City of	SW	1,000
Wells Dairy, Inc. (LeMars)	WW	5,000

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LeMars, City of	WW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/MC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udehl (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Des Moines County Sanitary Landfill (Des Moines Co.)	SW	3,000
Graham Tire Co. of Spencer (Spencer)	UT	1,100
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	640
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
Packaging Corporation of America (Tama Co.)	WW	10,000
George Krakow; Elmer Krakow (Marengo)	UT	1,275
J.P. Scherzman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Casey's General Stores, Inc. (Grundy Center)	UT	6,500

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Ida County Sanitary Landfill (Ida Co.)	SW	750
Golden's Quality Used Cars, Inc. (Council Bluffs)	AQ	250
St. Donatus, City of	WW	500
Wendling Quarries (DeWitt)	WS	730
Amoco Oil Company (Des Moines)	UT	1,000
Marion Stark (Kellerton)	UT	300
Iowa City Regency MHP (Iowa City)	WW	1,000
Country Mobile Home Court (New Hampton)	WS	250
Fausser Oil Company, Inc. (Elgin)	UT	750
South Dallas County Landfill Assoc. (Dallas Co.)	SW	500
TOTAL		6,330

The remaining \$100.00 penalty payment due from Todd D. Behounek and Paul Behounek (Tama) has been settled.

The \$1,000.00 penalty assessed to Albert Rohwer/Cheimer Flynn (Scott Co.) has been rescinded.

The \$1,000.00 penalty assessed to Waste Systems Corp./Ronald Roth (Winnebago Co.) has been rescinded.

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
American Meat Protein Corp. Lytton (3)	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Motion to Add City Granted Trial Date	10/21/91 4/30/92 12/16/92 1/23/94
Ames, William D. Woodbury County (3)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/15/93 9/17/93

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Antion, City of (3)	Updated	Wastewater	Discharge Limits	Order	Referred Petition Filed Consent Decree (\$1,000/Civil; Injunction)	11/16/92 3/22/93 11/08/93
Birsingh, Kirshna A. Crescent (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 12/11/92
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Carson Grain & Implement Co. Cognon (1)		Underground Tank	Site Assessment	Order/Penalty	Referred	10/18/93
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed	8/19/91 8/14/91 9/16/91 11/2/91 3/10/93 4/23/93 5/21/93
Chicago & Northwestern Transportation Co. Stanwood (6)	Updated	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed Consent Decree (\$12,000/Civil)	5/07/92 4/08/93 11/19/93
Cots Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Doud, Dennis D & D Tire Company Moreau (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/30/93
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 8/26/92 12/20/93
Ecology Enterprises, Inc; Hollis D. DeVoe, Michael Murvey, Robert Rausch Chickasaw County (1)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 3/04/93
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 1/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 2/15/94

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Gavin, Bernard Gavin Veterinary Clinic Wellburg (2)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/28/93
Giese Construction Co. Ft. Dodge (2)	Solid Waste Air Quality Burning	Illegal Dis- posal; Open	Referred to Attorney General	Referred Petition Filed	5/29/92 3/26/93
Giese Construction Co. Ft. Dodge (2)	Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed	1/19/93 3/26/93
Halsne, Grant d/b/a Halsne, Inc. Decorah (1)	Underground Tank	Site Assessment	Order	Referred	10/18/93
Hoyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6) Updated	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed Trial Date	2/15/93 4/15/93 4/26/94
IBP, inc. Columbus Junction (6)	Wastewater	DNR Defendant	Defense	Suit Filed Judgment for DNR. Motion to Enlarge Order Denying Motion Notice of Appeal Appellant's Brief	3/17/92 10/28/92 11/06/92 12/16/92 1/11/93 6/25/93
International Hydroform Pella (5)	Underground Tank	Remedial Action	Order	Referred	5/17/93
Iowa City, City of (6)	Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed Trial Date	4/20/92 1/28/93 1/26/94
Jack Link Truck Line, Inc. Dyersville (1)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Jarvis, Marjorie and Terry Strong Council Bluffs (4) New	Underground Tank	Closure Investigation	Order	Referred	11/15/93
Landfill of Des Moines, Inc. Des Moines #4 (5)	Solid Waste	Compliance Schedule, Other	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 9/01/92 1/26/94
Landfill of Des Moines, Inc. Des Moines #5 (5)	Solid Waste	Compliance Schedule, Other	Order/Penalty	Referred Petition Filed Trial Date	5/18/92 9/01/92 1/26/94
Lytton, City of (3)	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed (Added to AMPC) Trial Date	5/18/92 12/28/92 1/25/94
Maasdam, Donald Rofe (3)	Solid Waste	Operation Without Permit	Order	Referred Petition Filed	1/21/92 8/26/92
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKinim Excavating & Grading v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and bifurcation Ruling on Phase I Trial	3/12/91 5/01/91 3/26/92 9/01/93

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Midway Water & Lighting Marion (1)	Drinking Water	Ming/Rptg; MCL-Bacteria	Order/Penalty	Referred Petition Filed	12/21/92 4/21/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Ming/Rptg Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.)	11/16/92 4/02/93
Piendl, Robert B. Piendl Brothers Trucking Kingsley (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Drinking Water	Ming/Rptg; Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/92 10/5/93
Pries, John; Bradford Paving Bradford (2)	Updated Underground Tank	Closure Investigation	Order	Referred Petition Filed Trial Date Consent Decree (\$500/Civil, Injunction)	10/10/92 12/24/92 11/18/93 1/15/93
Pruss, Harlan Cedar Co. (6)	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Sedler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	9/21/92 12/24/92
Schultz, Albert and Iowa Iron Works Ely (1)	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Sharp, Tim Gas-N-Go Newton (5)	Underground Tank	Site Check	Order/Penalty	Referred Petition Filed	5/17/93 7/27/93
Shelley, Roberto and Sally Guthrie Center (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000/Admin.; Clean-up Ordered) Notice of Appeal Appellant's Brief State's Brief	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/09/92 1/11/93
Smith, Don Dallas Center (5)	Underground Tank	Closure Investigation/ Failure to Register	Order	Referred Petition Filed Trial Date	10/19/92 3/08/93 12/01/93
Stark, Marion Kellerton (4)	Updated Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date Consent Decree (\$300/Admin.)	10/19/92 4/16/93 11/04/93 11/03/93
Starling, Vern Perry (5)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	11/16/92 4/14/93
Troutman, Jerry L. & Richard Van Buren Co. (6)	Solid Waste	Illegal Disposal	Order	Referred	10/18/93
Waterloo, City of (1)	New Wastewater	Discharge Limits	Referred to Attorney General	Referred	11/15/93
Winterset, City of (5)	Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed Trial Date	7/20/92 3/23/93 4/26/94
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Young, David Simp Oil Company Casey (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Gelwein Soil Service	Administrative Order	WM	Landa	Hearing continued.
5-12-87	Iowa City Regency HMP	Administrative Order	WM	Hansen	Penalty paid. Settled.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	SCR submitted.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunnay Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
1-25-89	Amoco Oil Co. - Des Moines 7LT103	Administrative Order	UT	Wornson	Settlement letter sent.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Settlement letter sent.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement proposed.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Murphy	Settlement proposed.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
11-20-89	FFCA/IIP	Site Registry	HC	Murphy	Dismissed.
4-23-90	Sioux City, City of	Administrative Order	WM	Hansen	Amended order to be issued.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-16-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-28-90	Des Moines, City of	NPOES Permit Cond.	WM	Hansen	City response under review by EPO.
7-02-90	Kokuk Savings Bank and Trust Kokuk Coal Gas Site	Site Registry	HM	Landa	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HM	Landa	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HM	Preziosi	Hearing set for 5/4/94.
9-10-90	IBP, Inc. Columbus Junction	Administrative Order NPOES Permit	WM	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court. Briefs submitted.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
9-20-90	Duane Schuering	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-04-90	United States Gypsum Co. Sperry	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Wornson	Compliance complete. Settled.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-22-91	Mitchell Bros. Boers and Gilts	Administrative Order	WM	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WM	Hansen	Letter sent 9/4/92 regarding resolution of appeal.
5-16-91	Oskaloosa, City of	Administrative Order	WM	Hansen	12/01/93 - Settlement offer accepted by City.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Firestone submitted site investigation report.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance nearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Wlota, City of	Administrative Order	WS	Hansen	2/93 revised report reviewed by WS - new schedule proposed.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution. Attorney contacted regarding response.
3-30-92	White Consolidated Industries	Administrative Order	WJ	Hansen	Negotiating before filing.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WJ	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WJ	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AG	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-05-92	Wilson Foods	Permit Denial	AG	Preziosi	Settled.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
6-26-92 10-05-92 1-12-93	Waste Systems Corp. and Robert Roth d/b/a Minnebago Co. SLF	Administrative Order Denial of Comp. Plan Amended Order	SW	Kennedy	Settled.
7-01-92	Richard A. Newman	Administrative Order	SW	Kennedy	Decision received 9/1/93.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WJ	Murphy	Firestone submitted site investigation.
8-06-92	Randy Banin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-13-92	Ida County Sanitary Landfill	Administrative Order	SW	Kennedy	Settled.
8-13-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clark	Settlement close.
8-24-92	Dean Koeness d/b/a Koeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	Case proposal to resolve appeal to Dept.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Settlement close.
9-21-92	ITVC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	Negotiating before filing.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Compliance except for penalty. FO inspection prior to penalty negotiation.
10-28-92	Albert Rohwer, Jr.	Administrative Order	SW	Kennedy	Settled.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	10/11/93-Dept letter to facility rejecting revised assessment plan.
11-16-92	Frank Mulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/WW	Kennedy	Informal meeting 12/4/92.
12-04-92	Fausser Oil Co., Inc.	Administrative Order	UT	Wornson	Settled.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response due 12/3/93.
12-14-92	Gary Lalor	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-15-92	IBP, Inc. Geneseo, IL	SWA Denial	SW	Kennedy	Negotiating before filing.
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	WC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indianola)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	3/1/93 Case proposal to DNR to resolve appeal.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
December 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3/11/93	Land Rewu, Inc.	Administrative Order	SU	Wornson	Compliance complete. Negotiating penalty.
3/15/93	Pat Benjamin	Administrative Order	UT	Wornson	Analyzing financial inability.
3/19/93	Holnam Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/29/93	Henning Wood, Inc.	Administrative Order	SU	Kennedy	Settlement meeting set for 9/3/93.
4/02/93	Newton, City of	Administrative Order	SU	Kennedy	Negotiating before filing.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/05/93	Mapleton, City of	VW Operator Certification	VW	Hansen	Under review by EPD - letter drafted.
4/09/93	Economy Solar Corp.	Administrative Order	AQ	Preziosi	Awaiting decision.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC VW	Preziosi	Negotiating before filing.
4/09/93	Wells Dairy, Inc.	Administrative Order	VW	Hansen	10/93 - Proposal for settlement submitted by Wells Dairy.
4/12/93	LeMars, City of	Administrative Order	VW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued.
4/16/93	Phil McWains	Administrative Order	SU	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	VW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SU	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SU	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Negotiating before filing.
6/01/93	Graham Tire Co. of Spencer	Administrative Order	UT	Wornson	Compliance initiated.
6/17/93	Leo Schachtner ; Lawrence Schmitt, Gerald Schmitt, Duane Schmitt, Vernon Schmitt, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Hearing set for 2-22-94.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	VW	Clark	Negotiating before filing.
7/02/93	Merlyn Stanbrough; Donna Stanbrough	Administrative Order	SU	Kennedy	Appeal to be withdrawn.
7/06/93 7/28/93	Dennie E. Good Berniece K. Hease	Administrative Order	UT	Wornson	Negotiating before filing.

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES December 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93.
7/14/93	South Dallas Co. Landfill	Administrative Order	SU	Kennedy	Settled.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Negotiating before filing.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WM	Clark	Negotiating before filing.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	Negotiating before filing.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Sent to DIA.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Sent to DIA.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Negotiating before filing.
8/23/93	Walnut Grove Products	Permit Denial	AQ	Preziosi	Negotiating before filing.
8/24/93	Green Valley Chemical	Permit Conditions	WM	Hansen	Negotiating before filing.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/29/93	Charles W. Sharp	Permit Issuance	FP	Clark	Negotiating before filing.
10/11/93	West Central Cooperative	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WM	Hansen	Negotiating before filing.
10/22/93	Packaging Corp. of America	Administrative Order	WM	Hansen	Negotiating before filing.
10/25/93	Porcine-New Way Co.	Administrative Order	WM	Clark	Negotiating before filing.
11/04/93	Silver City	Permit Conditions	WS	Clark	New case.
11/05/93	George Krakow & Elmer Krakow f/d/b/a Krakow Bros.	Administrative Order	UT	Wornson	Compliance initiated. Negotiating penalty.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Compliance initiated.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/93	Osceola, City of	Permit Conditions	WM	Hansen	New case.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Sent to DIA.
11/22/93	Casey's General Stores Grundy County	Administrative Order	UT	Wornson	Negotiating settlement.

Mr. Stokes presented the monthly reports.

Discussion followed regarding contested cases and negotiating with the affected parties before referral.

INFORMATIONAL ONLY

PRIVATE WELL SAMPLING AND ABANDONMENT GRANTS TO COUNTIES - FY 95

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests Commission approval for grants to 89 counties for well testing and abandonment, and 4 counties for well plugging only. This is a total of 93 grants. Grants will be \$10,000.00 per county for well testing and \$8,800.00 per county for well abandonment for a total of \$1,708,400.00. These figures are based on the current unobligated balance in the Groundwater Fund agricultural management account and additional receipt of funds expected before the end of the fiscal year.

Ninety three applications were received for the grant program. No application was determined to be ineligible. Counties are expected to test a minimum of 200 wells and plug 36 wells under each grant. These figures are based on data from the last three grant periods. Deviations from the actual grant amounts may vary based on final grant dollars available and the actual final numbers of wells tested and plugged by each county. Final payment will be based on actual performance. For SFY95, the well testing grant will be increased by \$2,440.00 and the well abandonment grant is increased by \$2,400.00. The increases are due to increased Groundwater Fund receipts and an expanding surplus over the past two grant years. Counties are allowed to transfer moneys between programs upon Department approval.

COUNTY NAME		WELL TESTING						WELL PLUGGING					
		90	91	92	93	94	95	90	91	92	93	94	95
Adair	1		X	X	X	X	X		X	X	X	X	X
Adams	2	X			X	X	X	X	X	X	X	X	X
Allamakee	3		X	X	X	X	X		X	X	X	X	X
Appanoose	4		X	X	X	X	X		X	X	X	X	X
Audubon	5	X	X	X	X	X	X	X	X	X	X	X	X
Benton	6	X	X	X	X	X	X		X	X	X	X	X
Black Hawk	7	X	X	X	X	X	X	X	X	X	X	X	X
Boone	8				X	X	X				X	X	X
Bremer	9	X	X	X	X	X	X	X	X	X	X	X	X
Buchanan	10		X	X	X	X	X		X	X	X	X	X
Buena Vista	11		X	X	X	X	X		X	X	X	X	X
Butler	12				X	X	X			X	X	X	X

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Calhoun	13	X	X	X	X	X	X	X	X	X	X	X	X
Carroll	14	X	X	X	X	X	X	X	X	X	X	X	X
Cass	15		X	X	X	X	X		X	X	X	X	X
Cedar	16	X	X	X	X	X	X	X	X	X	X	X	X
Cerro Gordo	17	X	X	X	X	X	X	X	X	X	X	X	X
Cherokee	18	X	X	X	X	X	X	X	X	X	X	X	X
Chickasaw	19	X	X	X	X	X	X	X	X	X	X	X	X
Clarke	20												
Clay	21				X	X	X			X	X	X	
Clayton	22	X	X	X	X	X	X	X	X	X	X	X	X
Clinton	23	X	X	X	X	X	X	X	X	X	X	X	X
Crawford	24	X	X	X	X	X	X	X	X	X	X	X	X
Dallas	25	X	X	X				X	X	X			
Davis	26		X	X	X	X	X		X	X	X	X	X
Decatur	27												
Delaware	28	X	X	X	X	X	X	X	X	X	X	X	X
Des Moines	29	X	X	X	X	X	X	X	X	X	X	X	X
Dickinson	30		X	X	X	X	X		X	X	X	X	X
Dubuque	31	X	X	X	X	X	X	X	X	X	X	X	X
Emmet	32		X	X	X	X	X		X	X	X	X	X
Fayette	33	X	X	X	X	X	X	X	X	X	X	X	X
Floyd	34		X	X	X	X	X		X	X	X	X	X
Franklin	35		X		X	X	X		X	X	X	X	X
Fremont	36									X			
Greene	37	X	X	X	X	X	X	X	X	X	X	X	X
Grundy	38		X	X	X	X	X		X	X	X	X	X
Guthrie	39	X	X	X	X	X	X	X	X	X	X	X	X
Hamilton	40	X	X	X	X	X	X	X	X	X	X	X	X
Hancock	41		X	X	X	X	X		X	X	X	X	X
Hardin	42	X	X	X	X	X	X		X	X	X	X	X
Harrison	43	X		X	X	X	X	X		X	X	X	X
Henry	44	X	X	X	X	X	X	X	X	X	X	X	X
Howard	45	X	X	X	X	X	X	X	X	X	X	X	X
Humboldt	46	X	X	X	X	X	X	X	X	X	X	X	X
Ida	47	X	X	X	X	X	X	X	X	X	X	X	X
Iowa	48		X	X	X	X	X	X	X	X	X	X	X
Jackson	49	X	X	X	X	X	X	X	X	X	X	X	X
Jasper	50	X	X	X	X	X	X	X	X	X	X	X	X
Jefferson	51						X		X	X	X	X	X
Johnson	52	X	X	X	X	X	X	X	X	X	X	X	X
Jones	53		X	X	X	X	X		X	X	X	X	X
Keokuk	54		X		X	X	X		X		X	X	X
Kossuth	55		X	X	X	X	X		X	X	X	X	X
Lee	56	X	X	X	X	X	X	X	X	X	X	X	X
Linn	57	X	X	X	X	X	X	X	X	X	X	X	X

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Louisa	58				X	X	X					X	X	X
Lucas	59											X	X	X
Lyon	60				X	X	X					X	X	X
Madison	61											X	X	X
Mahaska	62				X	X	X	X	X			X	X	X
Marion	63		X	X	X	X	X		X			X	X	X
Marshall	64			X	X	X	X					X	X	X
Mills	65	X	X	X	X	X	X	X	X			X	X	X
Mitchell	66	X	X	X	X	X	X	X	X			X	X	X
Monona	67								X			X	X	X
Monroe	68					X	X						X	X
Montgomery	69	X	X	X	X	X	X	X	X			X	X	X
Muscatine	70	X	X	X	X	X	X	X	X			X	X	X
O'Brien	71			X	X	X	X					X	X	X
Osceola	72		X						X			X	X	X
Page	73	X	X	X	X	X	X	X	X			X	X	X
Palo Alto	74	X	X	X	X	X	X	X	X			X	X	X
Plymouth	75				X	X	X					X	X	X
Pocahontas	76		X	X	X	X	X		X			X	X	X
Polk	77													
Pottawattamie	78			X	X	X	X					X	X	X
Poweshiek	79	X	X	X	X	X	X	X	X			X	X	X
Ringgold	80				X							X		
Sac	81	X	X	X	X	X	X	X	X			X	X	X
Scott	82	X	X	X	X	X	X	X	X			X	X	X
Shelby	83		X	X	X	X	X		X			X	X	X
Sioux	84				X	X	X					X	X	X
Story	85		X	X	X	X	X		X			X	X	X
Tama	86		X	X	X	X	X		X			X	X	X
Taylor	87	X	X	X	X	X	X	X	X			X	X	X
Union	88				X	X	X					X	X	X
Van Buren	89	X	X	X	X	X	X	X	X			X	X	X
Wapello	90	X	X	X	X	X	X	X	X			X	X	X
Warren	91		X	X	X	X	X		X			X	X	X
Washington	92		X	X	X	X	X		X			X	X	X
Wayne	93		X	X	X	X	X		X			X	X	X
Webster	94	X	X	X	X	X	X	X	X			X	X	X
Winnebago	95		X	X	X	X	X		X			X	X	X
Winneshiek	96	X	X	X	X	X	X		X			X	X	X
Woodbury	97		X	X	X	X	X		X			X	X	X
Worth	98		X	X	X	X	X		X			X	X	X
Wright	99		X	X	X	X	X		X			X	X	X

Mr. Stokes reviewed grants made to the individual counties.

Motion was made by Nancy Lee Siebenmann to approve the Private Well Sampling and Abandonment Grants to Counties for FY 1995 as presented. Seconded by Charlotte Mohr.

Gary Priebe asked what happens to the money if a county does not use all of the grant issued to them.

Mr. Stokes stated that normally that happens in the well testing portion of the program and the money remains in the well testing fund and would be eligible to be given out next year.

Charlotte Mohr asked how many wells have been plugged since the program began.

Mr. Stokes stated that there has been in excess of 11,000 wells plugged; the original estimate was 70,000 wells to be plugged.

Vote on Commissioner Siebenmann's motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE—CHAPTER 22, SULFUR DIOXIDE EMISSION OFFSETS IN MUSCATINE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the adoption of the attached to limit the impact of sulfur dioxide on ambient air in the Muscatine area.

The U.S. Environmental Protection Agency has required the department to prepare modifications to the State Implementation Plan (SIP) for air quality to address monitored violations of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide in the Muscatine, Iowa area. The department has been working with regulated industries in the Muscatine area to determine and implement appropriate measures to ensure continued compliance with the NAAQS in Muscatine. It is also necessary to adopt amendments to state regulations specifically addressing emissions offsets from new sources proposing to locate in the area.

ENVIRONMENTAL PROTECTION COMMISSION[567] **ADOPTED AND FILED**

Pursuant to the authority of Iowa Code section 455B.133, the Department of Natural Resources hereby adopts an amendment to Chapter 22, "Controlling Pollution", Iowa Administrative Code.

On July 19, 1993, the Environmental Protection Commission approved and sent for public comment new rule 22.7 of the Iowa Administrative Code relating to special provisions for sulfur dioxide (SO₂) emissions in the Muscatine area. The Notice of Intended Action was published in the Iowa Administrative Bulletin on August 18, 1993 as ARC 4201A. The public comment period extended through September 7, 1993 and a public hearing was held on September 8, 1993. The Environmental Protection Commission adopted this rule on October 18, 1993.

The rule restricts increases in impact of new sources of sulfur dioxide located in certain areas near the City of Muscatine. The intent of the rule is to maintain the National Ambient Air Quality Standards for SO₂ in the Muscatine area.

Approximately 20 people attended the public hearing. Two oral comments, one each from Grain Processing Corp. and Muscatine Power & Water, and two written comments, one each from Grain Processing Corp. and Muscatine Power & Water, were received at the hearings. An informal discussion period was held after the hearing. Three additional written comments were received during the comment period. These comments were received from the City of Muscatine, the Muscatine Development Corporation, and Muscatine Power & Water. Copies of all written comments received are included.

A number of comments were received which indicated concern that the proposed rule would restrict economic development in the area. However, the only type of economic development which would possibly be restricted would be the growth of those industries which emit SO₂ in such a manner which would significantly impact the area in which the health-based National Ambient Air Quality Standards (NAAQS) have been repeatedly violated. Since sources of this type are currently causing violations of these standards, the impacts of the emissions from sources of this type must be controlled to ensure that public health is being protected. Facilities which do not emit a large amount of SO₂ will not be affected. No changes will be made to the rule as a result of these comments.

A number of comments were received which indicated a concern that the DNR has not allowed input from affected facilities and the public regarding the proposed rule. However, all rules of the State of Iowa regarding rule making including the requirements for public participation have been followed. Throughout the two year process leading up to this rule making the facilities involved have been provided all information requested and have been made aware of the progress of the study. No changes will be made to the rule as a result of these comments.

A number of comments were received which stated that only five violations of the NAAQS have been recorded and the last occurred in September, 1992. Three violations of the SO₂ standard occurred in 1991 and two in 1992. The United States Environmental Protection Agency (USEPA) allows one exceedence of the SO₂ standard. If the standard is exceeded more than once a year, all episodes of the standard being exceeded are considered violations. When violations of the standard occur the USEPA will designate the area as non-attainment if actions to correct the situation have not been implemented. Over 13 months elapsed between the third and fourth violations. The fact that 12 months have elapsed since the last violation obviously does not preclude future violations. The monitor which recorded the violations has not been in

operation since July due to flood damage. No changes will be made to the rule as a result of these comments.

A comment was received from Grain Processing Corporation (GPC) which stated that no reason had been given for the necessity of this rule. It was also stated that if the rule is adopted it is not clear how the rule would be removed in the future. All affected facilities have been informed of the necessity of the rule. The intent of the proposed rule is to maintain the total impact of SO₂ in the area to a level which will prevent future violations once present emissions are reduced to the violation level. Without the rule, future increases in SO₂ emissions would likely cause further violations thereby necessitating more reductions in existing sources of SO₂. Therefore, it is not intended that this rule is to be removed. No changes will be made to the rule as a result of these comments.

Comments were received from both GPC and Muscatine Power & Water (MPW) which stated that the process which lead to the proposed rule is flawed and that the DNR's modeling has been unable to determine the sources of the violations. The modeling conducted by the DNR has indicated the sources causing high impacts of SO₂ in the area. However, the modeling has shown a much lower impact at the monitoring site than the monitor has detected. A second SO₂ monitor is located on the bluff in Muscatine. The values this monitor has detected are quite similar to the values the model has predicted for the location of this monitor. The results of the modeling would allow further increases in SO₂ emissions which would impact the area in which the violations have occurred thereby causing further, and perhaps worse, violations. The proposed rule would require impacts of SO₂ to remain nearly constant which would prevent future violations after suitable emissions reductions have been achieved. No changes will be made to the rule as a result of these comments.

A comment was received from MPW which stated that the validity of the monitoring data has not been established. All monitoring conducted by the DNR is done in accordance with procedures established by the USEPA. These procedures include rigorous quality assurance tests. During the periods the violations occurred the monitor which recorded the violations was within the prescribed limits of these quality assurance tests. The University Hygienic Laboratory has re-evaluated all values recorded, and quality assurance tests conducted, during the periods the violations occurred to ensure the validity of the values. These records are open for public inspection. No changes will be made to the rule as a result of these comments.

A comment was received from MPW which stated that the proposed rule does not address the size of the source to which the rule would apply. It further stated that the wording is inconsistent with the current Iowa Administrative Code which limits applicability to sources of a certain size. Any source which has a significant impact for SO₂ within the defined area would be affected. The Iowa Administrative Code does not limit the size of sources to which modeling may be applied. Even small sources can cause or contribute to violations of the ambient air quality standards. No changes will be made to the rule as a result of these comments.

A comment was received from MPW which stated that the rule is proposing to mitigate modeled impacts through the reduction of emissions from other sources. It further stated that this is not

consistent with the intent of several provisions of the Iowa Administrative Code, (the relevant portions of the Code were not cited), and federal NSR which place restrictions on emissions from sources located in or impacting non-attainment areas rather than attempting to restrict ambient air quality impacts caused by such sources. There is, however, no designated non-attainment area for any pollutant in the State of Iowa, including Muscatine. Modeling is currently used for nearly all new sources emitting a significant amount of pollutants to ensure there are no violations of the ambient air quality standards. No changes will be made to the rule as a result of these comments.

The following comment was received from MPW: The proposed rule requires a source or modification located within or outside of the non attainment area to obtain offsets if the source demonstrates a significant modeled impact on the non attainment area. According to Iowa Administrative Code, Division 567, Chapter 22, Subrule 22.4(4), a major stationary source or major modification located in an attainment area which impacts significantly at any locality that does not or would not meet the applicable national standard (non attainment area) would be considered to be in violation of that standard. The source would be required to obtain sufficient emission reductions to compensate for its impact only at the receptors where it significantly causes or contributes to a violation of any air quality standard. For a proposed major source or a major modification located in a non attainment area, according to Iowa Administrative Code, Division 567, Chapter 22, Subrule 22.5(455B), no ambient air modeling is required. If the source is major, only emissions offsets and the application of LAER technology is required.

This statement is incorrect in that there is no designated non-attainment area in Muscatine or anywhere else in the State of Iowa. The proposed rule does require equivalent impact reductions from new sources within an area described in the rule. However, the rule is to be modified to require equivalent impact reductions only at those receptor locations at which the proposed source causes a significant modeled impact.

The following comment was received from MPW. "The proposed rule states that the decreases in SO₂ concentrations shall occur 'within the area comprising ambient air due to the proposed source.' The proposed rule does not discern between 'ambient air' occurring in attainment and non attainment areas. With this language, the proposed rule not only subjects the applicable facility to mitigate impacts in the non attainment area but also forces the mitigation of impacts in attainment areas. The mitigation of impacts in attainment areas is inconsistent with the federal Prevention of Significant Deterioration (PSD) program which has established air quality increments to ensure that air quality in attainment areas does not significantly deteriorate while providing a margin for future industrial growth."

There is no designated non-attainment area. The mitigation of impacts in areas that are not designated non-attainment areas is regularly practiced by both the DNR and the USEPA in the permitting process. The monitor located within the area specified in the proposed rule has recorded five violations of a health-based ambient air quality standard for SO₂. There is no available margin for increased impacts of SO₂. No changes will be made to the rule as a result of these comments.

The following comment was received from MPW. "The proposed rule states that impact reductions must be modeled for all receptors in the area comprising ambient air where the proposed project has air quality impacts. In practice, it is theoretically impossible to demonstrate this phenomenon utilizing an atmosphere (sic) dispersion model because two source's impact configurations will never exactly overlap unless the two sources are collocated and have identical stack parameters (i.e., height, velocity, temperature). In addition, the proposed rule attempts to mitigate impacts even at receptors where a modeled exceedence may not occur or where the project does not have significant impacts."

The required analysis using an atmospheric dispersion model can be performed quickly and easily. The monitor located in the area has recorded five violations of the NAAQS. However, the modeling results do not indicate any violations in that area. Using only modeling as a guide, SO₂ impacts in the area would be allowed to increase substantially despite the fact that with present levels of SO₂ the health-based standard is being violated. The proposed rule would limit SO₂ impact to an existing level. As indicated in a previous response, the proposed rule is to be modified to require equivalent impact reductions only at those receptors where a significant impact is indicated.

The following comment was received from MPW. "The reference to the use of EPA document "Guideline on Air Quality Models (Revised) (EPA Publication A, 1987, does not include the most up-to-date modeling guidance. The most recent version of the modeling guideline, including Supplements A and B, is referenced under Appendix W to 40 CFR Part 51. We recommend the use of the most current modeling guidance." This statement is correct and the proposed rule is to be changed to include the reference to Supplement B.

Two changes have been implemented as a result of the public hearing. The guidelines under which modeling is to be conducted has been amended to include Supplement B as issued by the United States Environmental Protection Agency. Also, the requirement that the additional impact caused by a proposed source be offset at all points within the designated area has been replaced. A less stringent requirement has been inserted that states only the impact at those points within the area where the proposed source has an impact greater than the significance level needs to be offset.

This rule is intended to implement Iowa Code section 455B.133.

This rule will become effective December 15, 1993.

ITEM 1. Amend 567--Chapter 22 by adding a new rule and renumbering subsequent rules as follows:

567--22.7(455B) Special provisions for sulfur dioxide emissions in the Muscatine area. If a source of air contaminants or modification to a source that is proposed to be permitted causes modeled, worst case, ground level SO₂ concentrations in ambient air to exceed the significance

levels in the area bounded by Universal Transverse Mercator coordinates 4583000N to 4586400N and 661000W to 663000W, emission offsets must be achieved prior to startup. The significance levels are those SO₂ concentrations defined in subrule 22.4(4). The offsets obtained must result in decreases equal to, or greater than, the increases in concentrations of SO₂ at all locations within the area comprising ambient air due to the proposed source where the proposed source causes impacts greater than the significance levels. The concentrations shall be determined using a suitable dispersion model and shall be calculated for annual, 24 hour and 3 hour averaging periods.

The modeling used to determine concentrations in the area must be in accordance with the 1986 edition of EPA's document "Guideline on Air Quality Models (Revised) (EPA Publication 450/2-78-027R)" as amended by "Supplement A to the Guideline on Air Quality Models (Revised) (EPA Document EPA-450/2-78-027R, Supplement A, July 1987)" and as also amended by "Supplement B to the Guideline on Air Quality Models (Appendix W of 40 CFR part 51) (EPA Document EPA-450/2-78-027R-B, Supplement B, February 1993)".

Mr. Stokes stated that staff continues to work with industries in the Muscatine area on ambient air quality. He related that the companies have provided the department with a proposal which significantly reduces emissions and would appear to work as well as can be in the best interest of industry. Mr. Stokes added that the department has to provide the federal government with an amendment to the State Implementation Plan (SIP) which includes a plan for appropriate emission reductions as well as certain other modeling demonstrations. He related that staff were working under the belief that the department also needed to develop a rule which addresses offset emissions but are no longer quite clear that that is a requirement of an approved SIP. He noted that a rule would be needed if the Muscatine area were ever to become designated as nonattainment, which it has not yet been designated. Mr. Stokes stated that because of the lack of clarity for the need of adoption of such a rule, staff would ask that the Commission withdraw the rulemaking. He related that it is his understanding that whatever SIP is submitted will be approved by EPA without an offset rule.

Motion was made by Nancylee Siebenmann to withdraw Final Rule--Chapter 22, Sulfur Dioxide Emission Offsets in Muscatine. Seconded by Clark Yeager. Motion carried unanimously.

RULE WITHDRAWN

CONTESTED CASE DECISION APPEAL--TRS INDUSTRIES, INC. AND CITY OF DES MOINES

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On January 21, 1993, the Department issued Administrative Order 93-SW-01 to TRS Industries, Inc., and the City of Des Moines. That action required the parties to remove waste and compost remaining at a permitted composting facility by June 1, 1993, to submit records, to control litter, and to pay a penalty of \$3,000.00. That action was appealed and the matter proceeded to administrative hearing on June 17 and July 6, 1993. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on September 13, 1993. The decision affirms the Order, with the exception of rescinding the penalty.

The City of Des Moines has appealed this proposed decision to the Commission, and the Commission has moved to review the penalty issue on its own motion. The Proposed Decision has been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that this case involves an Administrative Order issued to TRS Industries and the City of Des Moines and concerns a composting facility operated by TRS, in conjunction with the city, to compost garbage, city sewage sludge and yard waste. He added that the ALJ findings in regard to responsibilities of the city in this matter are appropriate, noting that the Iowa Code requires cities and counties to provide for the proper disposal of the waste of its citizens. He related that in this case, by contracting with TRS, the city did not completely get out from under that liability and both are responsible for the clean up of the wastes. Mr. Murphy stated that the Commission previously moved to reconsider the penalty issue. The ALJ felt that both parties had spent quite a bit of money trying to cope with this problem and they should not be penalized. Staff view is that even though people spend a lot of money to take care of the problem it doesn't completely relieve them of economic benefit aspect.

Appointment - Terry Timmons

Terry Timmons, City of Des Moines, addressed the Commission stating that one of the first acts he performed as City Solicitor was to approve a contract, drafted by his predecessor, between the city and TRS Industries. He reviewed legislation mandating cities and counties to achieve reductions in solid waste going to landfills and noted that it did not tell how to achieve those reductions but instead encouraged cities to undertake innovative programs with private sector firms to achieve that end. Mr. Timmons related that in response to that mandate the City of Des Moines brought forth a solid waste volume reduction proposal by TRS Industries, for DNR review. He expanded on details of the project and the risks involved with a new technology relating that the city's contract indicated that TRS had to secure all licenses and permits along with financing for the facility, and they had the burden of making the process work. He related that after TRS received a permit from DNR in June 1989, the City signed a contract with TRS which called for a one year pilot project to be followed by a ten year project if the pilot worked out. Mr. Timmons stated that during the one year pilot project the DNR was active in inspecting and monitoring the project and even issued an Administrative Order against TRS in July 1990.

He specified that the Order was issued against TRS alone. After the one year pilot, TRS obtained from DNR a permit revision allowing them to increase their facility size and to process the increased volume of sludge and solid waste under the proposed contract for the ten year project. The city waited for DNR to give TRS their approval before entering into the ten year contract. TRS then began experiencing odor problems and processing began to fall behind scheduled deliveries and TRS blamed the wet weather. Mr. Timmons related that the City subsequently ceased deliveries to TRS. Efforts to amend the contract failed as well as TRS efforts to contract with the Des Moines Metropolitan Waste Agency, and the city terminated its contract with TRS in June 1993. He reviewed inspections made by DNR and the normal inspection schedule. Mr. Timmons stated that the Commission should ask themselves why the City of Des Moines is named in the Administrative Order since they did not own or operate the facility and TRS is the permittee under the permit issued by DNR. He related that department regulations or the Iowa Code do not impose any requirements on persons who generate or transport solid waste to a permitted sanitary disposal project. He discussed a recent Supreme Court decision stating that DNR lacked statutory authority to order anyone to clean up solid waste. He also discussed the performance bond requirement and explained why the city did not carry through with it. In closing, Mr. Timmons stated the private sector oversold its capabilities, the city and the state were not as hard-nosed and skeptical as they should have been, the state should have given a tougher review of the TRS process and finances before issuing the permit, and the state should have done better in its regulatory and oversight function in inspecting the TRS facility. He asked the Commission to direct staff to pursue an innovative settlement of this matter. He related that the city is willing to discuss disposal alternatives and methods of enforcement with the department.

Mr. Murphy stated that there are legal issues raised in this case but there has been nothing preventing dialogue during the pendency of the matter. He related that the department's chief aim was to get the site cleaned up and staff has seen no offers or proposals for doing that. Mr. Murphy stated that an important policy matter is that generators are responsible in these situations. He related that there is a statutory provision that holds the generator and permit holder as having equal responsibility. Since the city is the sole generator of the sewage sludge, garbage, and yard waste it is their duty to provide for the proper disposal of its citizens waste. Mr. Murphy noted that the ALJ decision addressed all of the issues raised and staff see no other choice but to refer.

Gary Priebe stated that if the city forgot to get a surety bond they are liable and since they were the generator and hauler they will have to clean it up.

Discussion followed regarding the assurance bond requirements and the department's involvement from a regulatory standpoint.

Motion was made by Verlon Britt to affirm the Administrative Law Judge decision. Seconded by Gary Priebe.

Chairperson Hartsuck commented that he found the ALJ's reasoning for dropping the penalty as being not very convincing.

William Ehm stated that when this case was previously discussed he thought the motion was to restore the penalty.

William Ehm moved to amend the motion to restore the original penalty based on the department's reasoning. Seconded by Rozanne King. Motion to amend carried unanimously.

Vote on the Commissioner Britt's motion, as amended, carried unanimously.

ALJ DECISION UPHELD AND MODIFIED TO INCLUDE PENALTY RESTORATION

FINAL RULE--CHAPTER 72, FLOODPLAIN DEVELOPMENT, PROTECTED STREAMS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission consideration of the attached Final Rule is requested. The final rule contains two items: a list of rivers and streams which the Natural Resource Commission has petitioned the Commission to consider for inclusion as Protected Streams under Flood Plain Development rule 567 - 72.50, and a correction to a typographical error noted in Flood Plain Development rule 567 -72.52.

The final rule, if adopted as presented, will add 130 streams or stream segments to the existing 115 streams or stream segments classified as Protected Streams under 72.50. Channel changes are prohibited on Protected Streams unless the channel change satisfies specific variance criteria. Channel changes on Protected Streams are allowed as a variance to rules if the channel change satisfies normal channel change criteria and one or both of the following variance criteria: (i) for public projects such as roads or road grade protection where a channel change is the only reasonable and practicable alternative, or (ii) in cases whereby natural channel erosion has a significant probability of eroding the structural stability of a building or other structure and bank erosion control measures are not feasible or practical under the circumstances.

Public hearings were held in Cherokee, Clear Lake, Elkader, Iowa City, Mt. Pleasant, and Des Moines. Written comments were received through September 27, 1993. Oral comments from 26 individuals and written comments from 241 individuals were received during the public hearing period. The 241 written comments included the signatures of 127 individuals on petitions opposing various aspects of the proposed rules. In addition, the 114 "non-petition" written comments included 29 form letters where the commentators filled in blanks relative to the stream segment of particular interest and signed their names.

A Responsiveness Summary was prepared addressing all the comments received during the public comment period and has been provided to Commission members and other interested parties.

Based on comments received during the public comment period, the proposed rules as published in the Notice of Intended Action have been modified as follows:

- Portions of three stream segments (West Fork Des Moines River, North Raccoon River, and Little Maquoketa River) which are within legally organized drainage districts were deleted. Comments were received which noted the presence of drainage districts along portions of these three streams. Although existing rules do not prohibit classifying drainage district "ditches" as protected streams, one of the criteria used by fisheries staff in preparing the petition for the Natural Resources Council was to exclude streams within legally organized drainage districts. The absence or presence of drainage districts is often difficult to determine without significant research and it was not initially known that these stream segments were within drainage districts.
- The following streams are not included because of a reevaluation of sport fish species:

Clinton County--Rock Creek and Yankee Run Creek

Cedar County--West Branch Wapsinonoc Creek

Henry County--Wolf Creek and East Fork Crooked Creek

Jefferson County--Competine Creek

Muscatine County--Wapsinonoc Creek & West Branch Wapsinonoc Creek

Scott County--Rock Creek

Washington County--East Fork Crooked Creek

The DNR fisheries staff responsible for preparation of the petition for the NRC found that seven streams did not have adequate field data to support the presence of sport fish species. Although the presence of a sport fish species is not specifically required to warrant classification as a Protected Stream, the fisheries staff did use the presence of such species as a criteria in preparing the petition. Therefore, they requested removal of the streams from the petition and from further consideration as protected streams at this time.

If approved, the amendments will be effective on February 23, 1994.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455A.6, the Environmental Protection Commission has adopted amendments to Chapter 72, "Special Criteria For Various Types Of Flood Plain Development," Iowa Administrative Code.

The amendments correct a typographical error in 567-72.52 and add 131 stream segments to the approximately 115 streams segments currently designated as Protected Streams under 567-72.50(2). The typographical error in 567-72.52, Protected Stream Declassification Procedure, references the list of protected streams as 72.5(2) while the correct reference should read 72.50(2). The 131 stream segments were included in a petition filed with the Environmental Protection Commission by the Natural Resource Commission.

Notice of Intended Action was published in the August 18, 1993 Iowa Administrative Bulletin as ARC 4204A. Six public hearings were held and extensive comments were received supporting and opposing the proposed rules. A Responsiveness Summary was prepared addressing all the comments received during the public comment period. The Responsiveness Summary is available from the department and has been filed with the Code Editor.

The amendments adopted differ from the proposed amendments published in the Notice of Intended Action. The following changes were made to the amendments as originally proposed:

- Two stream segments (Des Moines River in Palo Alto County and a portion of the North Raccoon River in Buena Vista County) which are within legally organized drainage districts were deleted. Comments were received which noted the presence of drainage districts along portions of these two streams. Although existing rules do not prohibit classifying drainage district "ditches" as protected streams, one of the criteria used in preparing the petition for the Natural Resources Council was to exclude streams within legally organized drainage districts. The absence or presence of drainage districts is often difficult to determine and it was not initially known that these stream segments were within drainage districts.
- The following streams are not included because of a reevaluation of the presence of sport fish species:

Clinton County--Rock Creek and Yankee Run Creek

Cedar County--West Branch Wapsinonoc Creek

Henry County--Wolf Creek and East Fork Crooked Creek

Jefferson County--Competine Creek

Muscatine County--Wapsinonoc Creek & West Branch Wapsinonoc Creek

Scott County--Rock Creek

Washington County--East Fork Crooked Creek

The Department of Natural Resources' fisheries staff found that seven streams did not have adequate field data to support the presence of sport fish species. Although the presence of a sport fish species is not specifically required to warrant classification as a Protected Stream, the fisheries staff did use the presence of such species as an initial criteria in preparing the petition for the Natural Resources Commission. Therefore, they requested removal of the streams from the petition and from further consideration as a protected streams at this time.

The amendments were adopted by the Environmental Protection Commission at its December 20, 1993 meeting and will become effective on February 23, 1994.

These rules are intended to implement Iowa Code sections 455B.261, 455B.262, 455B.263, 455B.264, and 455B.275.

ITEM 1. Amend subrule 72.52, first unnumbered paragraph, to reflect a typographical error as follows:

The procedure for removing a stream from the list of protected streams in 72.50(2) of these rules shall be the same as the rules for designation of a stream as a protected stream, except that all notices, investigations, and reports shall address the issue of declassification.

ITEM 2. Amend subrule 72.50(2) by alphabetically inserting the following streams into the location for each county.

ADAIR COUNTY

Middle River, east county line to confluence with unnamed creek (S36, T76N, R30W, Adair Co.);

ALLAMAKEE COUNTY

Paint Creek (a.k.a. Pine Creek), mouth (S9, T99N, R6W, Allamakee Co.) to west county line;

Paint Creek, mouth (S10, T96N, R3W, Allamakee Co.) to confluence with Little Paint Creek (S32, T97N, R3W);

APPANOOSE COUNTY

Chariton River, Highway 2 (S27, T69N, R17W, Appanoose Co.) to Rathbun Lake Dam (S35, T70N, R18W, Appanoose Co.);

BENTON COUNTY

Bear Creek, east county line to confluence with Opossum Creek (S 5/8, T84N, R9W, Benton Co.);

Bear Creek, mouth (S21, T86N, R10W, Benton Co.) to confluence with unnamed creek (NE 1/4, NE 1/4, S2, T86N, R10W, Benton Co.);

Cedar River, east county line to north county line;

Kwa River, south county line to west county line;

Lime Creek, mouth (S4, T86N, R10W, Benton Co.) to north county line;

Prairie Creek, mouth (S10, T85N, R10W, Benton Co.) to confluence with unnamed creek (S36, T86N, R10W, Benton Co.);

Salt Creek, mouth (S31, T82N, R12W, Benton Co.) to west county line;

Wild Cat Creek, mouth (S8, T84N, R9W, Benton Co.) to confluence with unnamed creek (W 1/2, S33, T84N, R10W, Benton Co.);

Wolf Creek, north county line to west county line;

BLACK HAWK COUNTY

Black Hawk Creek, mouth (S22, T89N, R13W, Black Hawk Co.) to west county line;

Cedar River, east county line to north county line

Crane Creek, mouth (S26, T90N, R11W, Black Hawk Co.) to confluence with unnamed creek (S3, T90N, R12W, Black Hawk Co.);

Shell Rock River, mouth (S4, T90N, R14W, Black Hawk Co.) to north county line;

Wapsipinicon River, east county line to north county line

West Fork Cedar River, mouth (S10, T90N, R14W, Black Hawk Co.) to west county line;

Wolf Creek, mouth (S19, T87N, R11W, Black Hawk Co.) to south county line;

BOONE COUNTY

Big Creek, south county line to confluence with unnamed creek (S34, T82N, R25W, Boone Co.);

Bluff Creek, mouth (S22, T84N, R27W, Boone Co.) to Don Williams Lake Outlet (S5, T84N, R27W, Boone Co.);

Des Moines River, south county line to north county line;

BREMER COUNTY

Cedar River, south county line to north county line

Shell Rock River, south county line to west county line

Wapsipinicon River, south county line to north county line

BUCHANAN COUNTY

Cedar River, south county line to west county line;

Lime Creek, south county line to confluence with unnamed creek (S1, T87N, R10W, Buchanan Co.);

South Fork Maquoketa River, east county line to confluence with major unnamed creek (S4, T90N, R7W, Buchanan Co.);

Wapsipinicon River, south county line to west county line;

BUENA VISTA COUNTY

Little Sioux River, north county line to north county line (entire length in county);

North Raccoon River, south county line to north line of NW 1/4, SE 1/4, Section 12, T90N, R36W, Buena Vista Co.);

BUTLER COUNTY

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Shell Rock River, east county line to north county line;
West Fork Cedar River, east county line to west county line;

CALHOUN COUNTY

Camp Creek, mouth (S7, T86N, R34W, Calhoun Co.) to confluence with unnamed creek (NE 1/4, NE 1/4, S28, T87N, R34W, Calhoun Co.);
Cedar Creek, south county line to confluence with unnamed creek (S 1/2, S34, T86N, R32W, Calhoun Co.);
Lake Creek, mouth (S23, T86N, R34W, Calhoun Co.) to confluence with D.D. 13 (S33, T88N, R32W, Calhoun Co.);
North Raccoon River, south county line to west county line;

CARROLL COUNTY

Middle Raccoon River, south county line to confluence with unnamed creek (SE 1/4, S15, T84N, R35W, Carroll Co.);
North Raccoon River, east county line to north county line;

CEDAR COUNTY

Cedar River, south county line to west county line;
Rock Creek, mouth (S2, T80N, R3W, Cedar Co.) to confluence with West Rock Creek (S11, T81N, R3W, Cedar Co.);
Sugar Creek, south county line to confluence with unnamed creek (S34, T80N, R2W, Cedar Co.);
Wapsipinicon River, east county line to north county line;

CERRO GORDO COUNTY

Beaverdam Creek, south county line to confluence with unnamed creek (S12, T95N, R22W, Cerro Gordo Co.);
Shell Rock River, east county line to north county line;
Spring Creek, mouth (S28, T97N, R20W, Cerro Gordo Co.) to confluence with Blair Creek (S9, T97N, R20W, Cerro Gordo Co.);
Willow Creek, mouth (S3, T96N, R20W, Cerro Gordo Co.) to confluence with Clear Creek (S16, T96N, R21W, Cerro Gordo Co.);
Winnebago River, east county line to west county line (entire length in county);

CHEROKEE COUNTY

Little Sioux River, south county line to north county line;
Maple River, south county line to confluence with unnamed creek (S29, T91N, R39W, Cherokee Co.);
Mill Creek, confluence with Willow Creek (S1, T93N, R41W, Cherokee Co.) to north county line;

CHICKASAW COUNTY

Cedar River, south county line to west county line
Crane Creek, east county line to confluence with unnamed creek (S25, T95N, R11W, Chickasaw Co.);
Little Cedar River, mouth (S20, T94N, R14W, Chickasaw Co.) to west county line;
Wapsipinicon River, south county line to north county line

CLAY COUNTY

Little Sioux River, west county line to north county line (entire length in county);
Lost Island Outlet, mouth (S35, T96N, R36W, Clay Co.) to County Road M 54 (S24, T96N, R36W, Clay Co.);
Muddy Creek, mouth (S15, T96N, R36W, Clay Co.) to County Road B 17 (north line, S23, T97N, R36W, Clay Co.);
Ocheyedan River, mouth (S13, T96N, R37W, Clay Co.) to confluence with Stoney Creek (S7, T96N, R37W, Clay Co.);
Prairie Creek, mouth (S26, T96N, R36W, Clay Co.) to confluence with unnamed creek (SE 1/4, S35, T96N, R37W, Clay Co.);
Stoney Creek, mouth (S7, T96N, R37W, Clay Co.) to Highway 18 (S31, T96N, R37W, Clay Co.);

CLAYTON COUNTY

Bear Creek, west line S23, T91N, R5W, Clayton Co. to north line S26, T91N, R5W, Clayton Co.;
Bear Creek, mouth (S34, T92N, R4W, Clayton Co.) to south line S18, T91N, R4W, Clayton Co.;
Cox Creek, mouth (S21, T92N, R5W, Clayton Co.) to south line S12, T91N, R6W, Clayton Co.;
Elk Creek, mouth (S36, T92N, R4W, Clayton Co.) to south county line;
Ensign Creek, mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.);
Mossey Glen Creek, south line S4, T91N, R5W, Clayton Co. to south line S10, T91N, R5W, Clayton Co.;
Roberts Creek, mouth (S25, T93N, R5W, Clayton Co.) to confluence with unnamed creek (SE 1/4, S15, T95N, R6W, Clayton Co.);
South Cedar Creek, mouth (S33, T92N, R3W, Clayton Co.) to north line S7, T92N, R3W, Clayton Co.;
Steele's Branch, south line S32, T91N, R4W, Clayton Co.) to south line S32, T91N, R4W, Clayton Co.) (entire length in Section 32);
Volga River, mouth (S26, T92N, R4W, Clayton Co.) to west county line;

CLINTON COUNTY

Elk River, mouth (S20, T83N, R7E, Clinton Co.) to confluence with North Branch Elk River (S10, T83N, R6E, Clinton Co.);
Wapsipinicon River, mouth (S13, T80N, R5E, Clinton Co.) to west county line (entire length in county);

CRAWFORD COUNTY

Boyer River, south county line to north county line;

DALLAS COUNTY

Des Moines River, east county line to north county line (entire length in county);
Middle Raccoon River, mouth (S9, T78N, R29W, Dallas Co.) to west county line (entire length in county);
North Raccoon River, mouth (S21, T78N, R27W, Dallas Co.) to north county line (S5, T81N, R29W, Dallas Co.) (entire length in county);
Raccoon River, east county line to confluence with North Raccoon River (S21, T78N, R27W, Dallas Co.);

DAVIS COUNTY

Des Moines River, east county line to north county line (entire length in county);

DECATUR COUNTY

Thompson River, Highway 69 (S35, T68N, R26W, Decatur Co.) to west county line;

DELAWARE COUNTY

Coffins Creek, mouth (S30, T89N, R5W, Delaware Co.) to confluence with Prairie Creek (S29, T89N, R6W, Delaware Co.);
 Elk Creek, north county line to confluence with unnamed creek (center, S13, T90N, R4W, Delaware Co.);
 Maquoketa River, south county line to confluence with South Fork Maquoketa River (S16, T90N, R6W, Delaware Co.);
 Sand Creek, mouth (S9, T88N, R5W, Delaware Co.) to confluence with major unnamed creek (SW 1/4, S11, T88N, R6W, Delaware Co.);
 South Fork Maquoketa River, mouth (S16, T90N, R6W, Delaware Co.) to west county line;
 Spring Branch Creek, North line S2, T88N, R5W, Delaware Co. to major spring source, North of Highway 20 (S35, T89N, R5W, Delaware Co.);
 Steele's Branch, north line S4, T90N, R4W, Delaware Co.) to west line S5, T90N, R4W, Delaware Co.);

DES MOINES COUNTY

Cedar Creek, mouth (S1, T69N, R5W, Des Moines Co.) to Geode Lake Dam;
 Cedar Creek, west county line to confluence with unnamed creek (S18, T70N, R4W, Des Moines Co.);
 Flint Creek, mouth (S28, T70N, R2W, Des Moines Co.) to confluence with unnamed creek (NW 1/4, S21, T71N, R4W, Des Moines Co.)
 Shank River, mouth (S8, T68N, R2W, Des Moines Co.) to east county line;

DICKINSON COUNTY

Little Sioux River, south county line to confluence with West Fork Little Sioux River (S7, T99N, R37W, Dickinson Co.);

DUBUQUE COUNTY

Catfish Creek, mouth (S5, T88N, R3E, Dubuque Co.) to south line S9, T88N, R2E, Dubuque Co.;
 Little Maquoketa River, mouth (S26, T90N, R2E, Dubuque Co.) to confluence with Hogans Branch (S35, T89N, R1W, Dubuque Co.);

EMMET COUNTY

Brown Creek, mouth (S24, T99N, R34W, Emmet Co.) to Highway 9 (S18, T99N, R33W, Emmet Co.);
 Des Moines River, south county line to north county line;
 East Fork Des Moines River, east county line to Turtle Lake Outlet (S13, T100N, R32W, Emmet Co.);

FAYETTE COUNTY

Brush Creek, mouth (S26, T93N, R7W, Fayette Co.) to confluence with Bear Creek (S8, T92N, R7W, Fayette Co.);
 Crane Creek, mouth (S31, T95N, R9W, Fayette Co.) to west county line;
 Grannis Creek, west line S36, T93N, R8W, Fayette Co. to unnamed major spring outlet in E 1/4, S36, T93N, R8W, Fayette Co.;
 Little Turkey River, mouth (S18, T95N, R8W, Fayette Co.) to north county line;
 North Branch Volga River, mouth (S33, T93N, R9W, Fayette Co.) to confluence with unnamed creek (S8, T93N, R9W, Fayette Co.);
 Volga River, east county line to confluence with unnamed creek (S24, T93N, R10W, Fayette Co.);

FLOYD COUNTY

Cedar River, east county line to north county line
 Little Cedar River, east county line to north county line
 Rock Creek, mouth (S24, T97N, R17W, Floyd Co.) to north county line (entire length in county);
 Shell Rock River, south county line to west county line;
 Winnebago River, mouth (S14, T95N, R18W, Floyd Co.) to west county line;

FRANKLIN COUNTY

Beaver Creek, east county line to road crossing (S28, T90N, R19W, Franklin Co.);
 Beaverdam Creek, mouth (S19, T93N, R19W, Franklin Co.) to north county line;
 Iowa River, south county line to west county line (entire length in county);
 Mynes Creek, confluence with unnamed creek (S12, T91N, R19W, Franklin Co.) to confluence with unnamed creek (S30, T91N, R20W, Franklin Co.);
 Otter Creek, mouth (S29, T92N, R19W, Franklin Co.) to County Road C 23 (S31, T93N, R20W, Franklin Co.);
 West Fork Cedar River, east county line to confluence with Beaverdam & Bailey Creeks (S10, T93N, R14W, Franklin Co.);

GREENE COUNTY

Cedar Creek, mouth (S33, T85N, R32W, Greene Co.) to north county line;
 North Raccoon River, south county line to west county line (entire length in county);

GRUNDY COUNTY

Black Hawk Creek, east county line to confluence with Minnehaha Creek (S7, T87N, R16W, Grundy Co.);
 Wolf Creek, east county line to confluence with unnamed creek (S32, T86N, R17W, Grundy Co.);

GUTHRIE COUNTY

Middle Raccoon River, Lake Panorama (S15, T80N, R31W, Guthrie Co.) to north county line;
 Middle Raccoon River, east county line to Lake Panorama Outlet (S31, T80N, R30W, Guthrie Co.);

HAMILTON COUNTY

Boone River, west county line to north county line;
 Des Moines River, west county line to west county line (entire length in county);
 Eagle Creek, mouth (S6, T89N, R25W, Hamilton Co.) to north county line;
 White Fox Creek, mouth (S33, T89N, R25W, Hamilton Co.) to north county line;

HANCOCK COUNTY

East Fork Iowa River, south county line to confluence with Galls Creek (S12, T95N, R24W, Hancock Co.);
 West Fork Iowa River, south county line to County Road B 55 (S31, T95N, R24W, Hancock Co.);
 Winnebago River, east county line to north county line (entire length in county);

HARDIN COUNTY

Iowa River, south county line to north county line;
 School Creek, mouth (S28, T89N, R20W, Hardin Co.) to confluence with unnamed creek (S16, T89N, R20W, Hardin Co.);
 South Fork Iowa River, mouth (S4, T86N, R19W, Hardin Co.) to Highway 359 (S11, T88N, R22W, Hardin Co.);

HENRY COUNTY

Cedar Creek, mouth (S9, T71N, R7W, Henry Co.) to west county line;
 Cedar Creek, upper extent of Geode Lake (S25, T70N, R5W, Henry Co.) to east county line;
 Crooked Creek, west county line to north county line;
 Skunk River, south county line to west county line (NW 1/4, S30, T73N, R7W, Henry Co.) (entire length in Henry Co.);

HOWARD COUNTY

Chialk Creek, mouth (S1, T98N, R11W, Howard Co.) to north line S36 T99N, R11W, Howard Co.);

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Turkey River, Vernon Springs (S34, T99N, R11W, Howard Co.) to confluence with South Branch Turkey River (S2, T98N, R12W, Howard Co.);
Wapsipinicon River, south county line to west county line

HUMBOLDT COUNTY

Des Moines River, south county line to confluence with East Fork Des Moines River (S19, T91N, R28W, Humboldt Co.);
Des Moines River, confluence with East Fork Des Moines River (S19, T91N, R28W, Humboldt Co.) to north line S7, T92N, R30W, Humboldt Co.;
East Fork Des Moines River, mouth (S19, T91N, R28W, Humboldt Co.) to north county line;

IDA COUNTY

Little Sioux River, west county line to north county line;
Maple River, west county line to north county line;

IOWA COUNTY

Iowa River, east county line to north county line;

JACKSON COUNTY

Maquoketa River, mouth (S7, T85N, R6E, Jackson Co.) to west county line;
Mill Creek, west line S6, T86N, R4E, Jackson Co. to confluence with unnamed creek (S1, T86N, R3E, Jackson Co.);
Mill Creek, mouth (S18, T86N, R5E, Jackson Co.) to confluence with Little Mill Creek (S13, T86N, R4E, Jackson Co.);
Mineral Creek, mouth (S32, T85N, R1E, Jackson Co.) to west county line;
Pleasant Creek (a.k.a. Springbrook), confluence with unnamed creek (E 1/2, S11, T85N, R4E, Jackson Co.) to west line S11, T85N, R4E, Jackson Co.;
South Fork Big Mill Creek, mouth (S8, T86N, R4E, Jackson Co.) to west line S17, T86N, R4E, Jackson Co.;
Storybrook Hollow, mouth (S7, T86N, R4E, Jackson Co.) to south line S12, T86N, R3E, Jackson Co.;
Tete des Morts River, mouth (S3, T87N, R4E, Jackson Co.) to confluence with unnamed creek (NW 1/4, S4, T87N, R3E, Jackson Co.);
Unnamed Creek, mouth (S1, T86N, R3E, Jackson Co.) to west line S1, T86N, R3E, Jackson Co.;

JEFFERSON COUNTY

Crooked Creek, mouth (S1, T73N, R8W, Jefferson Co.) to east county line;
Skunk River, east county line (east line. S13, T72N, R8W, Jefferson Co.) to north county line (North line, NW 1/4, S1, T73N, R8W, Jefferson Co.) (entire length in Jefferson Co.);

JOHNSON COUNTY

Cedar River, east county line to north county line;
Clear Creek, Interstate 380 (S34, T80N, R7W, Johnson Co.) to confluence with unnamed creek (S29, T80N, R8W, Johnson Co.);
Iowa River, south county line (south line. S32, T77N, R5W, Johnson Co.) to Coralville Dam (S22, T80N, R6W, Johnson Co.);
North Fork Old Man Creek, mouth (S31, T79N, R7W, Johnson Co.) to north line S23, T79N, R8W, Johnson Co.;

JONES COUNTY

Buffalo Creek, mouth (S10, T84N, R4W, Jones Co.) to west county line;
Maquoketa River, east county line to north county line.;
Mineral Creek, east county line to west line S29, T85N, R1W, Jones Co.;
Wapsipinicon River, south county line to west county line.;

KEOKUK COUNTY

North Skunk River, mouth (S5, T74N, R10W, Keokuk Co.) to west county line;
Skunk River, east county line to confluence with North & South Skunk Rivers (S5, T74N, R10W, Keokuk Co.);
South English River, east county line to confluence with unnamed creek (S6, T77N, R13W, Keokuk Co.);
South Skunk River, mouth (S5, T74N, R10W, Keokuk Co.) to confluence with Olive Branch Creek (S30, T75N, R13W, Keokuk Co.);

KOSSUTH COUNTY

Buffalo Creek, mouth (S20, T97N, R28W, Kossuth Co.) to confluence with North Buffalo Creek (S4, T97N, R27W, Kossuth Co.);
East Fork Des Moines River, south county line to west county line;

LEE COUNTY

Des Moines River, mouth (S34 T65N, R5W, Lee Co.) to west county line (entire length in county);
Skunk River, mouth (S8, T68N, R2W, Lee Co.) to north county line (entire length in county);

LINN COUNTY

Bear Creek, mouth (S21, T84N, R8W, Linn Co.) to west county line;
Buffalo Creek, east county line to Highway 13 (S10, T86N, R6W, Linn Co.);
Cedar River, south county line to west county line;
East Otter Creek, confluence with Otter Creek (S7, T84N, R7W, Linn Co.) to confluence with unnamed creek (S 1/2, S28, T85N, R7W, Linn Co.);
Wapsipinicon River, east county line to north county line;

LOUISA COUNTY

Cedar River, mouth (S20, T75N, R4W, Louisa Co.) to north county line;
Iowa River, mouth (S6, T73N, R2W, Louisa Co.) to north county line (NW 1/4, S6, T76N, R5W, Louisa Co.) (entire length in county);
Long Creek, mouth (S1, T74N, R4W, Louisa Co.) to west county line;

LUCAS COUNTY

Chariton River, Rathbun Lake (S34, T71N, R20W, Lucas Co.) to Highway 14 (S31, T72N, R21W, Lucas Co.);
White Breast Creek, north county line to confluence with unnamed creek (W 1/2, NW 1/4, S6, T71N, R23W, Lucas Co.);
Wolf Creek, mouth (S15, T71N, R21W, Lucas Co.) to confluence with unnamed creek (NE 1/4, S36, T71N, R22W, Lucas Co.);

LYON COUNTY

Big Sioux River, south county line to north county line;
Little Rock River, mouth (S35, T98N, R46W, Lyon Co.) to confluence with unnamed creek (S10, T98N, R44W, Lyon Co.);
Otter Creek, mouth (S21, T98N, R44W, Lyon Co.) to south county line;
Rock River, south county line to north county line;

MADISON COUNTY

Middle River, east county line to west county line;
Thompson River, south county line to confluence with unnamed creek (NW 1/4, S7, T74N, R29W, Madison Co.);

MAHASKA COUNTY

Des Moines River, south county line to west county line (entire length in county);
North Skunk River, east county line to north county line;

MARION COUNTY

Des Moines River, east county line to west county line (entire length in county);
White Breast Creek, mouth (S10, T76N, R19W, Marion Co.) to west county line;

MARSHALL COUNTY

Iowa River, east county line to Marshalltown Center St. Dam (S26, T84N, R18W, Marshall Co.);
Iowa River, confluence with Dowd Creek (S2, T85N, R19W, Marshall Co.) to north county line;
Minerva Creek, mouth (S2, T84N, R19W, Marshall Co.) to confluence with major unnamed creek (S9, T85N, R20W, Marshall Co.);
Wolf Creek, north county line to north county line (S2, T85N, R17W, Marshall Co.) (entire length in county);

MITCHELL COUNTY

Burr Oak Creek, mouth (S12, T98N, R16W, Mitchell Co.) to west line S10, T98N, R16W, Mitchell Co.);
Cedar River, south county line to north county line;
Deer Creek, mouth (S23, T99N, R18W, Mitchell Co.) to west county line;
Little Cedar River, south county line to north county line;
Rock Creek, south county line (S14, T97N, R17W, Mitchell Co.) to confluence with Goose Creek (S36, T98N, R18W, Mitchell Co.);
Wapsipinicon River, east county line to town of McIntire;

MONONA COUNTY

Maple River, south line S34, T85N, R43W, Monona Co.) to north county line;

MONROE COUNTY

Des Moines River, east county line to north county line (entire length in county);

MUSCATINE COUNTY

Cedar River, south county line to north county line;
Pine Creek, mouth (S21, T77N, R1E, Muscatine Co.) to confluence with unnamed creek (S26, T78N, R1W, Muscatine Co.);
Sugar Creek, mouth (S17, T78N, R2W, Muscatine Co.) to north county line;

O'BRIEN COUNTY

Little Sioux River, south county line to east county line;
Mill Creek, south county line to confluence with unnamed creek (S9, T95N, R41W, O'Brien Co.);

PLYMOUTH COUNTY

Big Sioux River, south county line to north county line;

POLK COUNTY

Big Creek, upper extent of Big Creek Lake (S9, T81N, R25W, Polk Co.) to north county line;
Des Moines River, east county line to west county line (entire length in county);
Raccoon River, mouth (S10, T78N, R24W, Polk Co.) to west county line;

RINGGOLD COUNTY

Thompson River, east county line to north county line;

SAC COUNTY

Boyer River, south county line to confluence with unnamed creek (S6, T89N, R37W, Sac Co.);
Indian Creek, mouth (S24, T87N, R36W, Sac Co.) to north line S20, T87N, R36W, Sac Co.);
North Raccoon River, east county line to north county line;

SCOTT COUNTY

Lost Creek, mouth (S15, T80N, R5E, Scott Co.) to confluence with unnamed creek (NW 1/4, S7, T79N, R5E, Scott Co.);
Wapsipinicon River, mouth (S13, T80N, R5E, Scott Co.) to north county line (NE 1/4, S1, T80N, R1E, Scott Co.) (entire length in county);

SIOUX COUNTY

Big Sioux River, south county line to north county line;
Rock River, mouth (S1, T95N, R48W, Sioux Co.) to north county line;

STORY COUNTY

South Skunk River, confluence with Squaw Creek (S12, T83N, R24W, Story Co.) to north county line;

TAMA COUNTY

Iowa River, east county line to west county line;
Raven Creek, mouth (S25, T83N, R16W, Tama Co.) to confluence with unnamed creek (S6, T82N, R16W, Tama Co.);
Salt Creek, east county line to confluence with South Branch Salt Creek (S29, T84N, R13W, Tama Co.);

UNION COUNTY

Thompson River, south county line to north county line;
Twelve Mile Creek, mouth (S36, T71N, R28W, Union Co.) to Twelve Mile Lake Dam (S12, T72N, R30W, Union Co.);

VAN BUREN COUNTY

Des Moines River, south county line to west county line (entire length in county);

WAPELLO COUNTY

Des Moines River, south county line to west county line (entire length in county);
South Avery Creek, mouth (S31, T73N, R14W, Wapello Co.) to west county line;

WARREN COUNTY

Des Moines River, east county line to north county line (entire length in county);
Middle River, confluence with Clanton Creek (S28, T76N, R25W, Warren Co.) to west county line;
White Breast Creek, east county line to south county line;

WASHINGTON COUNTY

Crooked Creek, south county line to confluence with East and West Fork Crooked Creeks (S24, T74N, R7W, Washington Co.);
English River, mouth (S11, T77N, R6W, Washington Co.) to confluence with South English River (S6, T77N, R9W, Washington Co.);
Iowa River, east county line (east line, S36, T77N, R6W, Washington Co.) to north county line (north line, S2, T77N, R6W, Washington Co.) (entire length in county);
Long Creek, east county line to confluence with South Fork Long Creek (S26, T75N, R6W, Washington Co.);
Skunk River, south county line (SE 1/4, S36, T74N, R8W, Washington Co.) to west county line (SW 1/4, S6, T74N, R9W, Washington Co.);
South English River, mouth (S6, T77N, R9W, Washington Co.) to west county line;

WEBSTER COUNTY

Boone River, mouth (S36, T87N, R27W, Webster Co.) to east county line;

Brushy Creek, west line (S16, T88N, R27W, Webster Co.) to confluence with unnamed creek (S8, T88N, R27W, Webster Co.);
 Brushy Creek, mouth (S15, T87N, R27W, Webster Co.) to south line S34, T88N, R27W, Webster Co.;
 Deer Creek, mouth (S24, T90N, R29W, Webster Co.) to north line S16, T90N, R29W, Webster Co.;
 Des Moines River, south county line to north county line (entire length in county);
 Lizard Creek, mouth (S19, T89N, R28W, Webster Co.) to confluence with D.D. #3 (S35, T90N, R30W, Webster Co.);
 South Branch Lizard Creek, mouth (S23, T89N, R29W, Webster Co.) to west line S32, T89N, R29W, Webster Co.;

WINNEBAGO COUNTY

Winnabago River, south county line to north county line;

WINNESHIEK COUNTY

Canoes Creek, mouth (S25, T99N, R7W, Winneshiek Co.) to county road W38 (SE 1/4, S23, T99N, R8W, Winneshiek Co.)
 Paint Creek (a.k.a. Pine Creek) east county line to confluence with unnamed creek (SE 1/4, S11, T99N, R7W, Winneshiek Co.);
 Unnamed Creek, mouth (SE 1/4, S11, T99N, R7W, Winneshiek Co.) to North line S12, T99N, R7W, Winneshiek Co.;

WOODBURY COUNTY

Little Sioux River, confluence with Parnell Creek (S25, T86N, R44W, Woodbury Co.) to east county line;
 Maple River, south county line to east county line;

WORTH COUNTY

Deer Creek, east county line to confluence unnamed creek (East line, S27, T100N, R19W, Worth Co.);
 Elk Creek, mouth (S27, T99N, R20W, Worth Co.) to Highway 105 (S5, T99N, R22W, Worth Co.);
 Shell Rock River, south county line to north county line;
 Winans Creek, mouth (S36, T98N, R22W, Worth Co.) to N-S road crossing (S 1/2, S25, T98N, R22W, Worth Co.);
 Winnabago River, south county line (S32, T98N, R21W, Worth Co.) to south county line (S34, T98N, R22W, Worth Co.) (entire length in county);

WRIGHT COUNTY

Boone River, south county line to confluence with Middle Branch Boone River (S2, T93N, R26W, Wright Co.);
 Eagle Creek, south county line to confluence with Drainage Ditch No. 9 (S30, T91N, R25W, Wright Co.);
 East Fork Iowa River, mouth (S19, T93N, R23W, Wright Co.) to north county line;
 Iowa River, east county line (S13, T90N, R23W, Wright Co.) to confluence with East and West Fork Iowa Rivers (S19, T93N, R23W, Wright Co.);
 West Fork Iowa River, mouth (S19, T93N, R23W, Wright Co.) to north county line;
 White Fox Creek, south county line to confluence with unnamed creek (E 1/2, SE 1/4, S36, T91N, R25W, Wright Co.);

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes stated that a corrected copy of the rule was distributed to the Commission prior to the meeting. He explained that the original agenda brief indicated three streams were removed from the final rule as it had been determined that those three segments were within legally organized drainage districts. That was based on information submitted by county boards of supervisors. He related that upon a closer look it was determined that the Little Maquoketa River is not within a drainage district. The lower Little Maquoketa receives water from the Sageville drainage district but is not actually a part of that district. Thus, the information submitted by the Board was erroneous and the Little Maquoketa should not have been dropped on the basis of being within a drainage district. Due to an oversight on the part of staff, the draft final rule sent to the Commission with the agenda package did not drop the other two streams either. The corrected rule includes the Little Maquoketa but drops the Des Moines in Palo Alto County and a segment of the North Raccoon in Buena Vista County. Mr. Stokes called attention to a copy of a letter just received from the Dubuque County Board of Supervisors objecting to inclusion of the Little Maquoketa. He noted that they did not provide any additional information or refute the fact that it was not in an organized drainage district.

Mr. Stokes stated that the Fish & Wildlife staff and EPD staff made sure that none of the selected streams were within the body of an organized drainage district. He emphasized that this rule does not prohibit farming up to the stream bank or livestock watering on those streams. It does not require buffer strips and does not prohibit stream bank stabilization or clearing beaver dams. Nothing in the rule changes the land use from what it is today. He added that all it says is that the landowner cannot channelize to straighten, deepen, or alter the course of the stream in any way.

He noted that there are some exemptions that are granted for legitimate public purposes and if erosion or cutting away of the stream jeopardizes a public building or structure a variance can be granted. Mr. Stokes stated that if data were not present to support the fisheries aspect, the stream was not included in the rule. He related that the department needs to protect habitat, aquatic life, and certain wildlife considerations as well as property rights and public interests.

Appointment - Cindy Hildebrand

Cindy Hildebrand, Iowa Audubon Council, asked the Commission to grant the petition of the Natural Resource Commission and add the proposed streams to the protected streams list. She stated that the rule only affects channelization and noted that she was surprised, in looking at the responsiveness summary, at the number of people who thought it would completely eliminate their ability to use their stream in any way. Ms. Hildebrand stated that channelization over the years, bit-by-bit, has had an accumulative effect increasing erosion, water pollution and turbidity, flooding, and has caused loss of habitat as well as affecting upstream and downstream landowners. She related that this rule would merely shift the burden of proof to the landowner to show why a channel change is necessary on one of the protected streams, rather than the DNR having to show why it should not be allowed to occur. Ms. Hildebrand emphasized that 131 stream segments may sound like a lot but it isn't when one considers the number of miles of channels that have been lost, and not when one considers the number of miles of stream and rivers that will remain unprotected.

Appointment - Allen Farris

Allen Farris, Division Administrator, Fish and Wildlife Division, addressed the Commission reiterating the effects of channelization on the environment and natural habitat, and the fact that variances are allowed for legitimate purposes. He noted that the NRC petitioned for this rulemaking because their duty is to protect, propagate, increase, and preserve the fish and wildlife and natural resources of the state and they felt the petition was very much in line with that duty. Mr. Farris stated that channelization is the most drastic, catastrophic, negative event that can occur for stream aquatic resources. He related that species, in a variety of habitats, are obliterated by channelization. Mr. Farris gave a comparison of fish populations in a stream where several segments were channelized and one segment was not channelized, noting a 5-6 fold difference in the number of fish per-river-mile in the unchannelized segment. The number of fish per acre was a two-and-one-half fold difference. He related that some documented effects of channelization are that it decreases species and habitat diversity; stream quality is lost; stream gradient and velocity is increased; habitat for aquatic life is destroyed; water temperature is usually increased; turbidity is increased; invertebrate production is reduced; terrestrial wildlife habitat along the stream is reduced; upstream head cutting is increased; the number of fish species and pounds of fish per acre is reduced; and bank and streambed erosion is increased. Mr. Farris showed slides of some of the streams proposed to be added to the protected streams list. He pointed out the land use near each stream and noted that the land use will not be changed as a result of adding these streams to the list. He discussed criteria used to add a stream to the list. He stated that the section of the rules pertaining to protected streams dates back to 1985 and he is not aware of any

major controversies or problems that have been caused by having that list of 115 protected streams. In conclusion, Mr. Farris stated that as a member of the F & W division and representative for the NRC he would urge the Commission to adopt these rules and add the 131 streams or stream segments to the protected list.

A lengthy discussion took place regarding which segments of the Skunk River will be protected; the impression that landowners will be subjected to further enforcement actions because of this rule; the need for better publicity in these matters; appeal process for landowners if variance request is denied; and property rights for landowners.

Verlon Britt commented that in mandating protection of these streams there is a stigma that landowners could be viewed as having been abusive of the stream on their land.

Mr. Farris replied that it could be looked at that they are a good steward of the land but do not know what the next landowner will do with it.

Rozanne King asked how many applications for channelization are received each year.

Mr. Stokes stated that the department receives 25-30 annually and about 2-3 are rejected.

Mr. Farris stated that in the last three years there have been seven requests for channel changes on the proposed streams.

Appointment - Dale Brentnall

Dale Brentnall, National Director - Izaak Walton League, stated that he supports the rule adoption as water quality and stream protection has been a high priority of the Ikes for 71 years. He related that the Ikes are working hard to protect and restore quality water throughout the United States and place a high value on clean water issues. He discussed their "Save Our Streams" program and related that the need exists to restore waters and to protect the clean waters that still exist. Mr. Brentnall stated that clean water supports many recreational activities and is a great economic package for the state. He urged the Commission to support the rule adding streams to the protected streams list.

Appointment - Bob Anderson

Bob Anderson, President, Iowa Sportsmens Federation, stated that he recently visited several river valleys and saw the depth of sediment deposited, occurring from the floods. He added that this was rich topsoil which came down from upstream where it should have remained forever. He noted that he presented the Commission with a list of resolutions last month and number five on that list was in support of the rule to include additional streams/segments to the protected streams list. He again urged the Commission to adopt these rules.

Appointment - Doug Smalley

Doug Smalley, Natural Resource Commissioner, addressed the Commission stating that the NRC approved the petition for rulemaking to add a number of streams to the protected stream list in July 1991. He related that it was a unanimous decision at that time and he believes it would succeed with a unanimous vote again if voted on today. Mr. Smalley spoke of the Skunk River Valley and the North Raccoon River and noted that even if nothing else were included, the North Raccoon would be enough to have his support. He urged the Commission to support the protected streams rule.

Discussion followed regarding appeal rights for a permit denial.

Appointment - Barbara Nelson

Barbara Nelson, Natural Resource Commissioner, stated that it is the interest of the Natural Resource Commission to encourage the EPC to approve the protected streams rule. She noted that there have not been any real problems with the 115 streams already on the list. She asked why there are not more appeals coming before the Commission if there are problems with the 115 streams already on the list. Ms. Nelson emphasized that what is important about this rule is that while it protects water quality, soil, wildlife and fisheries habitat, and recreational opportunities, it does not restrict cropping up to the streambank, pasturing, or seeking improvements to the creek. It merely says a person cannot channelize. She added that she feels this is a reasonable rule and there is an appeal process provided. Ms. Nelson stated that one of the duties of the both Commissions is to institute rules that would implement the legal intent of laws. She discussed property rights and related that the impact of a landowner using a stream or channelizing it perpetuates a problem as it aggravates an individual downstream. In closing, Ms. Nelson reiterated that the NRC is very much concerned with the protection of the streams and natural resources in the state of Iowa.

Appointment - Marian Kieffer

Marian Kieffer, Chair, Natural Resources Commission, stated that after staff brought it to the attention of the NRC that there was a need to evaluate and reclassify some of the streams in Iowa, the Commission decided to petition the EPC to do so. She noted that the NRC is mandated to protect, propagate, and preserve the natural resources in the state and the fisheries habitat and aquatic life are a big part of that. Ms. Kieffer related that there is a need to work harder to communicate the fact that these rules do not impose on farming practices, force filter strips, or prevent the watering of livestock. She stated that as a farm wife, married to a farmer who manages six farms and is responsible for many miles of streams, she fully endorses adoption of the protected streams rule.

Mr. Stokes reiterated that these rules do not deny people their appeal rights and they are not subjected to additional enforcement.

Clark Yeager asked whose choice it was to bring this issue to the NRC rather than directly to the EPC.

Mr. Stokes stated that the F & W staff are charged to take concerns of the NRC to them the same as EPD staff are charged to bring environmental issues to this Commission.

Rozanne King stated that proving this to be a public statement, she is having a hard time understanding how the department wouldn't be able to say no to a channel change without having this rule in place.

Mr. Stokes stated that staff probably could and would say no, but one of the common things the department is always challenged with is that if the department know they are not going to do something in the first place, why not be straight forward with the public and tell them beforehand and save them all the time and trouble. He related that this is exactly what the rule does, it merely tells them beforehand that they cannot do a channel change on these streams except for the exemptions provided.

Motion was made by Nancylee Siebenmann to approve Final Rule--Chapter 72, Floodplain Development-Protected Streams with the addendum that there be considerable public relations communication to individuals in the state that their stewardship of the land has enabled these streams to be kept in their original condition and the department wants to maintain that. Seconded by Charlotte Mohr.

Charlotte Mohr commented that if the Commission want the people in the state to think highly and positively of the DNR, the department needs to do all the communication they possibly can on this issue. She added that it is important to get the word out.

Chairperson Hartsuck agreed that good communication is very important. He noted that in the mail he received, it appeared that some of the people who were opposed to the rule heard some exaggeration of possible negative effects on the rights of landowners.

Clark Yeager stated that he will speak in opposition to the rule because even though there were seven channel changes in three years, which is minimal, an individual will now have to go through a very costly appeal through the Commission and the court system.

Gary Priebe stated that he agrees with Commissioner Yeager, adding that he has a real problem with an appeal process. He related that anytime it is written in a rule that a variance will not be allowed, it is basically infringing on property rights. He stated that he does not believe channelization caused all of the flooding during the past year, adding that near St. Louis there is no channelization in the river and they flooded seven or eight times. He added that the rule indicates that an appeal of a denial of a channel change on a protected stream will likely not be successful.

Chairperson Hartsuck disagreed with Commissioner Priebe noting that the Mississippi River is channelized clear to the Gulf of Mexico, and the flooding at St. Louis was probably caused by channelization above St. Louis.

Clark Yeager stated that he does not have a problem with the protected streams but he does have a problem with the appeal process.

Mr. Stokes clarified that the appeal process that would exist if the Commission approves the rules is the exact same appeal process that exists today and exists for other programs. He related that an appeal would most likely go to an Administrative Law Judge, then it would come before the Commission for a decision and either party can appeal to the Commission. If either party doesn't like the Commission decision then it can be appealed in the courts.

Discussion followed regarding the appeal issue.

William Ehm stated that he is torn on this because if an individual can make land more productive he will do it, but they also have responsibilities to the land. He added that the flood may not have been so bad if there had not been streamlined channelizations over the years. He stated that he would support adding these streams to the list. He noted that he is a little concerned with the variance procedure and would like to have the Commission review that process at a future meeting. Commissioner Ehm stated that the reason he would like to approve the rules is that they allow a higher level of protection for streams and shift the responsibility over to the landowner to earn a variance.

Discussion followed regarding property rights, appeals and variances.

Chairperson Hartsuck requested a roll call vote on Commissioner Siebenmann's motion to approve the rules with the stated addendum. "Aye" vote was cast by Commissioners Siebenmann, Britt, Ehm, Mohr, and Hartsuck. "Nay" vote was cast by Commissioners Priebe, Yeager, and King. Motion carried on a vote of 5-Aye to 3-Nay.

APPROVED WITH ADDENDUM FOR ADDED PUBLIC RELATIONS
COMMUNICATIONS

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission will be asked to refer the following cases to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or

disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Ampel Corporation (Knoxville) (tabled) - Air Quality
- b. Clement Auto & Truck, Inc. (Ft. Dodge) - Tanks
- c. ~~Jack Rupp~~ d/b/a ~~Rupp Tire Shop~~ (Ida Grove) - Tanks
Harlan Rudd Rudd Brothers Tire

Ampel Corporation

Mr. Murphy reviewed the history of this case noting that there was discussion on the penalty amount at the previous Commission meeting. He related that Ampel has offered a specific dollar amount and staff, along with the Attorney General's Office, feel it should be a higher amount.

Appointment - Mark Landa

Mark Landa, representing Ampel Corporation, stated that one of Ampel's goals for the past two years has been to distance itself from the predecessor company and earn back the confidence of the DNR. He added that if it is true that the state of Pennsylvania is seeking penalties from Ampel Corporation, it is news to them. He noted that he won't attempt to cover all the areas of disagreement but expanded on what Ampel has done as far as improvements to the company including the installation of a bag house. Mr. Landa related that they have initiated modeling and the firm that is doing the modeling is to complete it tomorrow. He emphasized that Ampel is committed to cooperation with the department in reducing emissions. He noted that since last month Ampel has agreed to increase the amount of penalty and feel the proposed settlement is fair and equitable in achieving its goal.

Mr. Murphy explained that Ampel has offered an administrative settlement but staff does not agree with it. He noted that if the Commission would like to discuss the penalty they would need to do so in closed session.

Gary Priebe commented that everything has been done as requested except for the administrative penalty. He added that the first objective is clean air and he cannot see arguing about a few more dollars.

Appointment - Dave Sheridan

Dave Sheridan, Attorney General's Office, stated that he would like to address this issue in closed session.

Closed Session

Motion was made by Rozanne King to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Nancy Lee Siebenmann.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Siebenmann, Yeager, Britt, Ehm, King, Mohr, Priebe, and Hartsuck. Motion carried unanimously with a vote of 8-Aye.

COMMISSION ENTERS CLOSED SESSION

Motion was made by William Ehm to adjourn closed session and return to open session. Seconded by Rozanne King. Motion carried unanimously

COMMISSION RETURNS TO OPEN SESSION

Chairperson Hartsuck announced that no action was taken in closed session.

Mr. Landa stated that in reference to Commissioner Priebe's statement about "a few more dollars," that for the company to pay an additional penalty above what has been offered it will suffer real noticeable, financial pain. He noted that Ampel suffered a \$330,000 loss in 1992, \$50,000 in FY 93 and has spent almost \$300,000 to install pollution control equipment and get the modeling done. He related that Ampel had to sell one plant to be able to achieve a loss of only \$50,000. He noted that it may not be significant for some companies, but any additional penalties will definitely be felt financially by Ampel.

Motion was made by Gary Priebe for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

REFERRED

PETITION FOR RULEMAKING - LEACHATE CONTROLS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to adopt the attached ruling, denying Petitions to amend its current rules regarding leachate controls for existing landfills, for the reasons stated.

This petition was brought to the Commission at the July 1994 meeting at which time a decision was made to table the petition for 60 days to allow for staff to meet with landfill officials.

The staff met with the landfill officials or their representatives to discuss the issues. The meeting ended in no clearly defined resolution. The Department is willing to continue meeting with landfill officials to discuss guidelines and procedures in an attempt to resolve the issues. Resolution of any of the issues may result in future rule making.

**BEFORE THE IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION**

IN THE MATTER OF:

PETITION FOR RULE MAKING FOR
AMENDMENT TO IOWA ADMINISTRATIVE
CODE 567, CHAPTER 103, SANITARY
LANDFILLS, SECTION 103.2(12)"b"(2)
AND 103.2(12)"c".

RULING OF COMMISSION

LINN COUNTY ENGINEER ON BEHALF OF
LINN COUNTY SANITARY LANDFILL,
CRAWFORD COUNTY AREA SOLID WASTE
AGENCY COMMISSION, SOLID WASTE
MANAGEMENT COMMISSION OF MARSHALL
COUNTY AND OTHERS, PETITIONERS.

The Department received letters dated May 17, 1993, from the Linn County Engineer on behalf of the Linn County Sanitary Landfill and Crawford County Area Solid Waste Agency Commission, both designated as Petition for Rule Making and incorporating by reference a letter from the Solid Waste Management Commission of Marshall County dated February 16, 1993, requesting certain changes in Department Rule 567 IAC 103.2(12) dealing with leachate collection systems in landfills. Identical letter-petitions were also received by the Department from Crawford County Engineer; Crawford County Board of Supervisors; North Central Iowa Regional Solid Waste Agency, Fort Dodge; Landfill of Des Moines, Inc., Steve Corell, President; Buena Vista County Solid Waste Commission; Shamrock Recycle, Inc., Hugh J. Flannigan, President, City of Chariton; Boone County Sanitary Landfill; Newton Sanitary Landfill; Marion County Landfill; Woodbury County Area Solid Waste Agency, Cherokee County Solid Waste Commission; Sac County Sanitary Landfill; Butler County Solid Waste Commission; Richard D. Heller, Environmental Director of Iowa County; Page County Landfill Association; Northwest Iowa Area Solid Waste Agency; Sioux City Manager; and Clinton County Area Solid Waste Agency joining as petitioners.

The Petitions relate to the Department's requirements for leachate control facilities at existing, previously filled areas of landfills. The Petitions request, in summary, 1) that leachate control facilities, at such permitted landfills, not be required to be implemented until notified by the Department after groundwater or surface water contamination has been documented; and 2) that language requiring leachate control facilities for such systems to be "designed to achieve the lowest possible leachate head above the landfill liner" be deleted.

The Environmental Protection Commission has considered the merits of the letter-petitions and has determined that the letter-petitions are denied for the following reasons:

1. Iowa Code Section 455B.305(6) provides in pertinent part: "Beginning July 1, 1994, the director shall not renew or reissue a permit for an existing sanitary landfill unless the sanitary landfill is equipped with a leachate control system.... The director may exempt a permit applicant from these requirements if the director determines that certain conditions regarding, but not limited to, existing physical conditions, topography, soil, geology, and climate, are such that a leachate control system is unnecessary." Iowa Code Section 455B.304(13) provides that, "Notwithstanding the provisions of this chapter regarding the requirement of the equipping of a sanitary landfill with a leachate control system ... the department shall adopt rules which provide for an exemption (for leachate control) if the sanitary landfill operator is a public agency, if the sanitary landfill has closed or will be closed by July 1, 1992, and will no longer accept waste for disposal after that date, and if at the time of closure of the sanitary landfill, monitoring of the groundwater does not reveal the presence of leachate." Ongoing post closure monitoring is required and leachate control may be required if leachate is later found. The department has administratively concluded that this provision, in conjunction with the later-enacted provision of 455B.305(6), provides an exemption for a landfill closed prior to July 1, 1994.

The legislature provided one clear exemption to the requirement that all landfills be equipped with leachate control systems by 1994. That exemption applies to landfills that will close no later than July 1, 1994. The legislature also allows the Department to waive the requirement for leachate controls if it can be demonstrated that such a system is unnecessary. Consequently, the Department is confident that the legislature intended all active landfills be equipped with leachate control systems unless site-specific investigations and studies confirm that leachate is not present or likely to be generated by the landfill. The language in the petition for rule making would effectively prevent the Department from requiring installation of leachate controls for any areas of the landfill already closed. A blanket exemption as requested by the Petitioners would be contrary to the Iowa Code.

2. The purpose of leachate control systems, and the reason they were mandated by the legislature, is to provide for the collection of as much leachate as practical under site specific conditions thereby reducing the volume of leachate within the landfill which could become a potential threat to the environment. Leachate system design must take into consideration site specific conditions.

The Department has not mandated any particular control technologies for leachate control for inactive areas. Conditions vary greatly from site to site and even within a particular landfill, making the uniform application of technical solutions impractical. The Department does require that each landfill conduct an investigation of the entire landfill site and submit a report of the findings and describing the alternatives that appear to be a practical means of controlling the leachate.

The deletion of the language requested would leave the Department with no standard for the design of these facilities. We feel that the goal of reducing leachate head as much as possible, and requiring engineers to provide case-by-case justification for the particular control facilities installed, is the proper approach. Certainly having no standard is inappropriate.

For the reasons discussed above, the Environmental Protection Commission hereby denies on its merits the letter-petitions for Rule Making.

Chairman, Environmental Protection Commission

Date

Mr. Stokes reminded the Commission that this was previously tabled and will need to be removed from the table.

Motion was made by Nancylee Siebenmann to remove the Petition for Rulemaking - Leachate Controls from the table. Seconded by Rozanne King. Motion carried unanimously.

REMOVED ITEM FROM TABLE

Mr. Stokes reviewed the petition noting that the department worked with an advisory group as requested by the Commission. He related that after several meetings with this group there have been no proposed changes at this point. He discussed the lowest possible head issue and related that he suggested to the advisory group that they define it better if they consider that to be a problem, and they have not come back with a proposal. Mr. Stokes stated that staff feel the existing language, as presently interpreted and applied, is the best language at this time. He asked the Commission to deny the petition for rulemaking.

Discussion followed regarding the requirement of one-foot leachate head at new landfills and handling it on a case-by-case basis due to different geologic settings.

Motion was made by Charlotte Mohr to deny the Petition of Rulemaking - Leachate Controls. Seconded by Rozanne King. Motion carried unanimously.

PETITION DENIED

FINAL RULE--CHAPTER 131, NOTIFICATION OF HAZARDOUS CONDITIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt the attached final rule. The rules regarding notification of hazardous conditions are simply being updated to reflect changes in the Iowa Code in the last several years. There was one written comment to the proposed changes as a result of the public hearing process, objecting to the addition of the phrase "or to the environment" in the definition of hazardous condition, in Item 1. This addition is being made to reflect this same change in the Iowa Code definition of hazardous condition, which was made several years ago. Thus, we are not recommending any changes in the final rule.

ENVIRONMENTAL PROTECTION COMMISSION [567]

ADOPTED AND FILED

Pursuant to the authority of Iowa Code sections 455A.6 and 455B.383(1), the Environmental Protection Commission adopts amendments to Chapter 131, "Notification of Hazardous Conditions," Iowa Administrative Code.

The adopted amendments make several general corrections which will make this chapter consistent with the Code of Iowa.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 13, 1993, as ARC 4357A. A public comment period was provided and the Environmental Protection Commission adopted these amendments on December 20, 1993. There are no changes as a result of public comments and these amendments are identical to those published under the Notice.

These amendments are intended to implement Iowa Code sections 455B.381 and 455B.386.

The following amendments are adopted.

ITEM 1. Amend rule 567--131.1(455B), definition of "hazardous condition," as follows:

"Hazardous condition" means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment. ~~Hazardous condition includes any accident involving hazardous materials required to be reported under Iowa Code section 321.266(4).~~

ITEM 2. Amend rule 567--131.2(455B), introductory paragraphs, as follows:

567--131.2(455B) Report of hazardous conditions. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the department at 515/281-8694,

~~the disaster services division, department of public defense (at 515/281-3231), and the local police department or the office of the sheriff of the affected county of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. A sheriff or police chief or peace officer or the director of the disaster services division, department of public defense who has been notified of a hazardous condition shall immediately notify the department. Notification by a sheriff or police chief or peace officer or the disaster services division, department of public defense shall be considered to be notification of the department for purposes of this rule. Reports made pursuant to this rule should~~ shall be confirmed in writing as provided in 131.2(2).

~~A carrier transporting hazardous materials by rail, air water or upon a public highway who gives the notice required by Iowa Code section 421.266(4) by notifying the disaster services division, department of public defense shall be deemed to have complied with this rule.~~

ITEM 3. Amend subrule 131.2(2), introductory paragraph, as follows:

131.2(2) Written report. The written report of such a hazardous conditions ~~should~~ shall be submitted to the department within ~~thirty (30)~~ days and contain the following information:

Date

Larry J. Wilson, Director

Mr. Stokes briefly reviewed the rules.

Motion was made by Nancylee Siebenmann to approve Final Rule--Chapter 131, Notification of Hazardous Conditions. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 134, REGISTRATION OF GROUNDWATER PROFESSIONALS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The attached proposed rule amends existing rules by replacing subrule 134.4. The amendment gives conditions under which the department may suspend, revoke or deny registration of a groundwater professional. This rule is intended to implement 1993 Iowa Acts, House File 644, section 10 that required the adoption of rules for the suspension and revocation of groundwater professional registration for good cause.

No action is being requested at this meeting. The Commission will be asked to approve a Notice of Intended Action on these proposed amendments at their January 1994 meeting.

ENVIRONMENTAL PROTECTION COMMISSION[567]
Notice of Intended Action

Pursuant to the Authority of the Iowa Code section 455G.18, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 134, "Registration of Groundwater Professionals." The proposed amendment replaces rule 134.4.

1993 Iowa Acts, House File 644, section 10, required the adoption of rules for the suspension and revocation of groundwater professional registration for good cause. The proposed amendment gives the conditions under which the department may suspend, revoke, or deny registration and the disciplinary procedures that will be followed.

Any interested party may submit written comments to the attention of Keith Bridson, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319 or by FAX number 1-515-281-8895, no later than Monday, March 14, 1993.

There will also be three public hearings on this proposed rule on: in the Community Hall next to City Hall, Denison, Iowa; in the Iowa City Public Library, Room B, 123 S. Linn St., Iowa City, Iowa; and in the east half of the fifth floor conference room, Wallace State Office Building, Des Moines, Iowa.

This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.

These proposed amendments are intended to implement Iowa Code section 455G.18.

ITEM 1. Strike current rule 567--134.4 (455G) and replace it with the following:

567--134.4(455G) Suspension, revocation and denial of registration.

134.4(1) General Policy. It is the policy of the department to enforce standards of professional and ethical conduct which are generally accepted within the professions which qualify persons for registration in Iowa as a groundwater professional. The department intends to rely on written standards of professional and ethical conduct and competency which are applicable to persons who qualify for registration by virtue of certification by or membership in a professional organization, or state licensure as provided in Iowa Code section 455G.18(2).

It is the policy of the department to investigate and enforce standards of conduct by registered groundwater professionals which fall within the scope of their professional relationships with the department, their clients and other state regulatory agencies including the Iowa Comprehensive Petroleum Underground Storage Tank Board and their agents.

134.4(2) Lack of qualification. The department may suspend, revoke or deny registration as a groundwater professional for any of the following reasons:

- a. A material misstatement of fact in an application for registration.
- b. Failure to provide the fee for registration.
- c. Loss of license, certification, or registration necessary to meet the registration requirements in subrule 134.2(2).

d. Insufficient proof of qualifications required under subrule 134.2(2).

134.4(3) Discipline based on a single act or omission. The department may reprimand a registered groundwater professional or suspend, revoke or deny registration based on substantial evidence of a single act or failure to act. The severity of the sanction may be based on the gravity of the act or omission and on the degree of culpability such as whether it was negligence, knowing, willful, or with such a degree of reckless disregard as to equate with intentional conduct. Single acts or omissions that may be grounds for discipline include but are not limited to the following:

- a. Fraudulent omissions or misstatements of material fact in any reports, correspondence or communications with the department.*
- b. Violation of an ethical standard which the person knew or should have known and which results in or reasonably could have resulted in material consequences.*
- c. Failure to report to the department the presence of contamination which is above department corrective action standards or the presence of free product.*
- d. Knowingly making a material false statement, representation or certification on any application, record, report, or document required to be maintained or submitted by department rule or which is voluntarily submitted to the department.*
- e. Gross incompetence in the performance of groundwater professional services and corrective action.*

134.4(4) Discipline based on repeated acts or omissions. The department may reprimand a registered groundwater professional, or suspend, revoke or deny registration, based on substantial evidence of repeated acts or omissions which, when taken together indicate a lack of competency, professionalism, ethical conduct, or adherence to standards of performance generally expected by the profession. The severity of the sanction may be based on the gravity of the acts or omissions and the degree of culpability. Disciplinary sanctions under this subrule will not be applied without providing the person with at least one written notice of the deficiency and a written warning that future repetition may result in discipline. Conduct or omissions which may be a basis for discipline include but are not limited to the following:

- a. Repeated incidents of substandard field investigation may result in reprimand, suspension or revocation.*
- b. Repeated incidents of substandard, inaccurate or incomplete site cleanup reports and failure to follow site cleanup report instructions may result in reprimand, suspension or revocation.*
- c. Conduct warranting a sanction after receipt of two prior reprimands shall result in suspension or revocation.*
- d. Conduct warranting a sanction after prior suspension shall result in a more severe sanction.*

134.4(5) Disciplinary Procedure.

a. Prior to issuance of a final department action imposing a disciplinary sanction of reprimand, suspension, revocation or denial of registration, the department shall conduct such lawful investigation as it deems necessary to substantiate material facts sufficient to warrant a disciplinary sanction.

b. Written notice of a sanction shall be sent by certified mail to the person against whom the sanction is imposed. The notice shall provide a brief explanation of the facts relied upon and the sanction to be imposed. The notice shall inform the recipient of applicable appeal rights.

c. A notice of reprimand shall be sent by certified mail to the person against whom the sanction is imposed. The notice shall provide a brief explanation of the facts relied upon. The recipient

may request an informal hearing with the department to challenge the basis for the reprimand but the reprimand shall not be subject to the appeal and contested case procedures as provided in paragraph "d" below.

d. A person may appeal a notice of suspension, revocation or denial of registration within thirty days of receipt of the notice. Upon timely receipt of the notice of appeal, contested case procedures, including informal settlement, shall apply as provided in 561 I.A.C. Chapter 7. In accordance with 561 I.A.C. 7.5(2), the department shall initiate pleading by the filing of a petition.

e. Notwithstanding subrule 561 I.A.C. 7.15(7), the sanction imposed shall not take effect until after a contested case hearing and issuance of a proposed decision. If a timely appeal has not been filed, the sanction is effective after thirty days from receipt of the notice. A party may request stay of the sanction, as provided in 561 I.A.C. 7.15(7), after issuance of a proposed decision.

Mr. Stokes gave a detailed explanation of the proposed rules.

Discussion followed regarding questionable professionals and poor performance and how people can be notified of this type of individual. Mr. Stokes noted that the department can take away their registration and delete their name from the list.

Clark Yeager asked if it is the responsibility of the contractor or the individual having the work done to hire the groundwater professional.

Mr. Stokes stated that it is between the individual and the company, but the work has to be done under the direction and supervision of a registered groundwater professional.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTERS 103 AND 111, LANDFILL FINANCIAL ASSURANCE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

In 1987 the legislature amended 455B and required rules for operators of sanitary landfills to provide financial assurance for closure and post-closure care.

The department had earlier proposed rules covering financial responsibility issues, prior to adoption of federal regulations, which were similar to these rules in concept. Subsequently, USEPA adopted federal financial responsibility rules. At that time, the department dropped the initial proposed rules, and proposed adopting state financial responsibility regulations identical to federal rules. The department was informed that adopting only the federal regulations would be problematic for many municipal solid waste landfills. The department agreed to work with interested parties to craft rules which were more flexible and therefore practical for municipal solid waste landfills.

The department has worked closely with representatives of local governmental units and municipal solid waste landfill operators to craft rules which are consistent with federal regulations recently adopted by USEPA, while at the same time providing flexibility to facilitate compliance by regulated facilities. Four financial assurance mechanisms have been added: to those provided for under the federal regulations. Those are self-insurance, bond rating test, local government guarantee, and local government dedicated fund. As such, these rules are patterned after financial responsibility rules applicable to local units of government under the underground storage tank regulations at the state and federal level. These appear to be more workable for some municipal solid waste landfills.

These rules are being provided for information only at this time. The Commission will be asked to approve a Notice of Intended Action at their January 1994 meeting.

(A copy of the proposed rule is on file in the department's Records Center).

Mr. Stokes presented details of the rule along with a history of previous attempts at similar rules.

Brief discussion followed.

INFORMATIONAL ONLY

1993 ANNUAL REPORT: REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES AND HAZARDOUS WASTE REMEDIAL FUND

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Section 455B.427 of the Code of Iowa requires the Director of the Department of Natural Resources to transmit a report to the General Assembly and the Governor each January 1st regarding those sites listed on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites.

Section 455B.425 of the Code of Iowa requires the Director of the Department of Natural Resources to give a full account to the General Assembly and the Governor each January 1st regarding the Hazardous Waste Remedial Fund.

The 1993 report has been prepared to fulfill both of these obligations. This report will be submitted to the General Assembly and the Governor after the December 1993 Commission meeting. The report will be distributed at the Commission meeting.

(A copy of the report is on file in the department's Records Center).

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Mr. Stokes stated that most of the site reports are 2-3 pages with some detail on the sites. It reflects 67 sites with only one site having been added in 1993. He noted that it also gives an accounting of the remedial fund.

Nancylee Siebenmann commented that EPA was in her area relative to the Rockwell-Collins dump site and there was a public meeting in conjunction with that. She related that she was not notified of the meeting and questioned whether Commissioners could be notified of such meetings in their area.

Mr. Stokes stated that sometimes EPA notifies the department in advance and at times only 24 hours prior to a meeting, sometimes staff does not find out until the day the meeting is being held or after the meeting has taken place.

Director Wilson stated that staff will inform the Commission of future public meetings when they receive advance notice.

INFORMATIONAL ONLY

REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)

Clement Auto and Truck, Inc.

Mr. Murphy stated that staff will withdraw this request for referral as the attorney for this party has contacted the department and stated that they had previously sent an appeal, which the department has not received. Staff are evaluating the issue and will try to work it out.

REFERRAL WITHDRAWN

Harlan Rudd d/b/a Rudd Brothers Tire

Mr. Murphy briefed the Commission on the history of this case regarding the closure of petroleum tanks.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.

REFERRED

GENERAL DISCUSSION

Charlotte Mohr asked if there has been a report given on the Toxic Cleanup Days. She related that the Scott County people were concerned because they didn't have nearly as much help from the company who handled it the last time.

Director Wilson stated that he will check to see if a report was done on TCD's, and if not, it will be on the agenda next month.

Director Wilson discussed the Legislative Breakfast the Commission will hold in conjunction with next month's meeting.

NEXT MEETING DATES


January 18, 1994 (Tuesday)

February 21, 1994

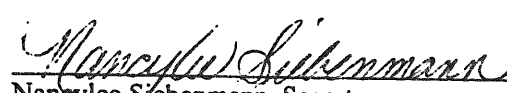
March 21, 1994

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 5:00 p.m., Monday, December 20, 1993.


Larry J. Wilson, Director


Richard Hartsuck, Chairperson


Nancy Lee Siebenmann, Secretary

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File Name ADM-1-1-1 RECORD COPY EPC Meeting
Date Dec. 1993
Initials JS
MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
December 20, 1993

Meeting convenes at 10:00 a.m., Monday, December 20, 1993, in the fourth floor conference room.

Public Participation

10:30 a.m.

APPOINTMENTS:

Allen Farris (Item #14)

Terry Timmons - City of D.M. (Item #19)

Mark Landa - Ampel Corp. (Item #20-A)

1:30 p.m.

1:00 p.m.

2:30 p.m.

1. Approve Agenda.
2. Approve Minutes of November 15, 1993.
3. Director's Report. (Wilson) Information.
4. Section 319 Nonpoint Source Pollution Control Contracts. (Kuhn) Decision.
5. Monthly Financial Status Report. (Kuhn) Information.
6. 1995 Budget Request. (Kuhn) Decision.
7. Final Rule--Chapter 101, General Requirements Relating to Solid Waste Disposal. (Hay) Decision.
8. Notice of Intended Action--Chapter 209, Landfill Alternatives Assistance Program. (Hay) Decision.
9. Low Level Radioactive Waste Compact Update. (Hay) Information.
10. Monthly Reports. (Stokes) Information.
11. Private Well Sampling and Abandonment Grants to Counties - FY 95. (Stokes) ~~Information~~ Decision.
12. Final Rule--Chapter 22, Sulfur Dioxide Emission Offsets in Muscatine. (Stokes) Decision.
13. Petition for Rulemaking - Leachate Controls. (Stokes) Decision.
14. Final Rule--Chapter 72, Floodplain Development, Protected Streams. (Stokes) Decision.

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- 15. Final Rule—Chapter 131, Notification of Hazardous Conditions. (Stokes) Decision.**
- 16. Proposed Rule—Chapter 134, Registration of Groundwater Professionals. (Stokes) Information.**
- 17. Proposed Rule—Chapters 103 & 111, Landfill Financial Assurance. (Stokes) Information.**
- 18. 1993 Annual Report: Registry of Hazardous Waste or Hazardous Substance Disposal Sites and Hazardous Waste Remedial Fund. (Stokes) Information.**
- 19. Contested Case Decision Appeal—TRS Industries, Inc. and City of Des Moines. (Stokes) Decision.**
- 20. Referrals to the Attorney General. (Stokes) Decision.**
 - a) Ampel Corporation (Knoxville) (TABLED)**
 - b) Clement Auto & Truck, Inc. (Ft. Dodge)**
 - c) Harlan Rudd d/b/a Rudd Brothers Tire (Drakesville)**
- 21. General Discussion.**
- 22. Address Items for Next Meeting**

NEXT MEETINGS:

January 18, 1994 (Tuesday)

February 21, 1994

March 21, 1994

ENVIRONMENTAL PROTECTION COMMISSION

Monday, December 20, 1993

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

DONALD LAMMERS

GRAETTINGER

Milo LAMMERS

Breittinger

David Thompson

Thompson Environmental
Consulting

West Des Moines

DANNY VEST

CROSMARK, INC.

Bloomington, IL

Jim McMinister

Ahlens Law Firm

DSM

Larry Koshine
Scott Young

Muscatine Power & Water
Nyemaster Law Firm

Muscatine
DSM

DAN HUSS

Grain Processing Corp.

Muscatine

GAGE KENT

" " "

"

William Trent

" " "

"

Joe Robertson

Marshall County Landfill

Marshalltown, Ia.

Mark Tmesdell

Bering Swanson - Forest

Des Moines

Jackie Clark

Iowa Utility Assoc

Des Moines

Theresa Kellor

Iowa Gen. Demos

DSM

Mary Braun

House Dems

DSM

Perry Seeman

Dem Register

DSM

ENVIRONMENTAL PROTECTION COMMISSION

Monday, December 20, 1993

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Richard Kelley

UHL

Des Moines

Amy Christensen Couch

Sullivan's Ward

DM

BILL TRENT

GPC

Muscatine

Paul Wozel

MPW

MUSCATINE

Christine Gault

Farm Bureau

WDSM

Harold L Brown

Self

Indianola

MARTIN M. LAMBERTI

JOHNSON FOR BETTER FISHERIES

ATOKWA

Martin Konrad

PAUL WILLIS

FARMER / IA WILDLIFE
FED

THURNTON

LINDA KINGKADING

IAMLC

DSM

Cindy Hildebrand

Iowa Audubon Council

Ames

VERN BEACHY

Radio Tower

DSM

Dale Braaten

Izaak Walton
League

Ames

Robert Anderson

La Sportive Federation

DM

Mark Landa

Amper

DM

TOM ANDERSON

Amper

DM

Richard Dunbar

Amper

DM

JO Truller

Amper

DM

Marian Kieffer

NRC

Barbara Nelson

NRC

Doug Smalley

NRC